

UNACCOMPANIED MINORS

HEARINGS BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS SECOND SESSION

JUNE 24 and JULY 3, 2014

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DANGEROUS PASSAGE: THE GROWING PROBLEM OF UNACCOMPANIED CHILDREN CROSSING THE BORDER

Tuesday, June 24, 2014

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
WASHINGTON, DC.

The committee met, pursuant to call, at 10:05 a.m., in Room 311, Cannon House Office Building, Hon. Michael T. McCaul [Chairman of the committee] presiding.

Present: Representatives McCaul, King, Rogers, Broun, Miller, Meehan, Duncan, Chaffetz, Palazzo, Barletta, Daines, Brooks, Perry, Sanford, Thompson, Sanchez, Jackson Lee, Clarke, Higgins, Richmond, Barber, Payne, O'Rourke, Vela, and Swalwell.

Chairman McCaul. The Committee on Homeland Security will come to order.

The committee is meeting today to examine the current crisis at the border regarding unaccompanied children. I now recognize myself for an opening statement.

Today on the Southwest Border we are facing an escalating refugee crisis. Parents are handing over their young children by the thousands to cartels who are profiting by smuggling these kids to the United States. Many are under the age of 10, including some barely old enough to walk.

These children with no parents, relatives, or legal guardians risk a perilous and sometimes fatal journey, riding buses or trains from Central America via Mexico.

As a father of five, it is unimaginable to me what would compel a parent to risk the lives of their children on such a dangerous passage. Not to mention the risk of sexual assault, exploitations, and the potential to be trafficked.

When they arrive at the border, the children are simply turning themselves in to the nearest Border Patrol Agents. However, patrol stations are not set up to handle this massive and growing number of detainees, let alone children. Shelters have been established like the one at Lackland Air Force base in San Antonio. We have all seen the photos of hundreds of children piled on top of each other, and the flow shows no signs of abating.

Every Member of this committee including myself is gravely concerned about the safety of children, no matter where they come from. Since October, 52,000—52,000—unaccompanied minors have crossed into the United States from Mexico. Nearly two-thirds of those cross through the Rio Grande Valley in Texas.

CBP estimates that next year more than 150,000 unaccompanied children may attempt to cross our borders. This is a crisis. It is a crisis that has been in the making for years. One that we should have seen coming. But few concrete actions have been taken.

The Department of Homeland Security and the United States Government as a whole has been slow to act, turning a blind eye to the warning signs. The tragic fact is these children are making a dangerous journey based on misinformation and the false promise of amnesty.

The first step is for the administration to acknowledge the cause of this problem. No one questions the fact that there are horrible economic conditions and violence in Central America. But these conditions are not new. What is new is a series of Executive actions by the administration to grant immigration benefits to children outside the purview of the law. The relaxed enforcement posture along with talk of comprehensive immigration reform.

It is beyond dispute that such a narrative shapes behavior and encourages people to come to our country illegally. In fact, newspapers in El Salvador and Honduras seem to be encouraging youth to head to the United States based on these policies.

In recent internal DHS surveys, these children reveal that more than 70 percent believe they are going to stay in the country.

This administration should send an unambiguous message that those arriving will be promptly sent home. I, for one, do not want to see another child harmed because we have not clearly articulated the realities on the ground consistent with current law.

Yesterday I was glad to see Secretary Johnson's letter, an open letter to the parents of children crossing our Southwest Border, notifying them that there are no free passes into the United States.

This is a good start. But a lot more needs to be done.

In addition to a robust and effective public service campaign, we should also engage with the government of Mexico to step up their efforts to secure their southern border. I call on the president of Mexico and his interior minister to do just that.

I am very concerned that this recent surge is weakening our border security efforts here at home. Border Patrol Agents and ICE Officers who are looking after these children are being taken away from their main duty, their mission of tracking down drug and weapon smugglers, as well as criminal aliens. Operation control of the Rio Grande Valley, the busiest sector in the Nation, may be suffering. Cartels will no doubt exploit this situation.

Recently the State of Texas announced that it would surge border security operations along the border to fill a void left by the Federal Government. Securing the border is a responsibility of the Federal Government. States should not need to protect what is in the Federal Government's role under our Constitution.

The President needs to immediately send the National Guard to the Southwest Border to deal with this crisis.

We need to find solutions to this crisis and soon.

While Secretary Johnson has largely inherited the current situation, I look forward to hearing now how he is planning to respond to this emergency.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. McCAUL

JUNE 24, 2014

Today on the Southwest Border we are facing an escalating refugee crisis. Parents are handing over their young children by the thousands to cartels who are profiting by smuggling these kids to the United States. Many are under the age of 10—including some barely old enough to walk.

These children, with no parent, relative, or legal guardian, risk a perilous and sometimes fatal journey riding buses or trains from Central America via Mexico. As a father of five, it's unimaginable what would compel a parent to risk the lives of their children on such a dangerous passage, not to mention the risk of sexual assault, exploitation, and the potential to be trafficked.

When they arrive at the border, the children are simply turning themselves into the nearest Border Patrol Agent. However patrol stations are not set up to handle this massive and growing number of detainees—let alone children. Shelters have been established, like the one at Lackland Air Force Base in San Antonio. We've all seen the photos of hundreds of children piled on top of each other, and the flow shows no signs of abating. Every Member of this committee, including myself, is gravely concerned about the safety of children no matter where they come from.

Since October, 52,000 unaccompanied minors have crossed into the United States from Mexico—nearly two-thirds of those crossed through the Rio Grande Valley in Texas. CBP estimates that next year more than 150,000 unaccompanied children may attempt to cross our borders.

This is a crisis that has been in the making for years—one that we should have seen coming—but few concrete actions have been taken. The Department of Homeland Security, and the U.S. Government as a whole, has been slow to act, turning a blind eye to the warning signs.

The tragic fact is these children are making a dangerous journey based on misinformation and the false promise of amnesty.

The first step is for the administration to acknowledge the cause of this problem. No one questions the fact that there are horrible economic conditions and violence in Central America. But these conditions are not new.

What is new is a series of Executive Actions by the administration to grant immigration benefits to children outside the purview of the law—a relaxed enforcement posture—along with talk of comprehensive immigration reform.

It is beyond dispute that such a narrative shapes behavior and encourages people to come to our country illegally. In fact, newspapers in El Salvador and Honduras seem to be encouraging youth to head to the United States based on these policies. And recent internal DHS surveys of these children reveal that more than 70% believe they are going to stay in the country.

This administration should send an unambiguous message that those arriving will be promptly sent home. I, for one, do not want to see another child harmed because we have not clearly articulated the realities on the ground, consistent with current law.

Yesterday, I was glad to see Sec. Johnson's open letter to the parents of children crossing our Southwest Border notifying them that there are no free passes into the United States. This is a good start but more must be done.

In addition to a robust and effective public service campaign we should also engage with the government of Mexico to step up their efforts to secure their Southern Border. I call on the president of Mexico, and his interior minister to do just that.

I am very concerned that this recent surge is weakening our border security efforts here at home. Border Patrol Agents and ICE Officers who are looking after these children are being taken away from their main duty of tracking down drug and weapons smugglers, as well as criminal aliens. Operational control of the Rio Grande Valley, the busiest sector in the Nation may be suffering, and cartels will no doubt exploit the situation.

Recently, the State of Texas announced that it would surge border security operations along the border to fill a void left by the Federal Government. Securing the border is a responsibility of the Federal Government. States should not need to protect what is in the Federal Government's role under our Constitution. The President needs to immediately send the National Guard to the Southwest Border to deal with this crisis.

We need to find solutions to this crisis, and soon. While Secretary Johnson has largely inherited the current situation, I look forward to hearing how he is responding to this emergency. Again, I want to thank the witnesses for agreeing to appear on such short notice.



Detainees in Nogales. Photo by Associated Press



Children caught trying to cross the Mexican border slept Wednesday at a customs processing facility in Brownsville, Tex. Photo by Eric Gay (New York Times)



A customs center in Nogales, Ariz., is struggling to care for a growing number of unaccompanied minors. Photo by Ross D. Franklin (New York Times)

Chairman McCAUL. Again, I want to thank the witnesses for being here today on such short notice. The Chairman now recognizes the Ranking Member.

Mr. THOMPSON. Thank you, Mr. Chairman. I want to thank you also for holding today's hearing.

I want to thank the witnesses also for their testimony.

On a daily basis, waves of children ranging from toddlers to teenagers are fleeing violence, oppression, and economic desperation from Guatemala, Honduras, and El Salvador, many of them sent by their families. They are simply looking for a safe haven.

As an intense and significant humanitarian crisis develops, we are finding its origins to be as complex as its implications. It is irresponsible to attribute this crisis to one U.S. policy or for that matter, one U.S. President.

Despite the demagoguing by many, this crisis is not just an immigration matter nor is it just a foreign policy matter. This crisis is not exclusive to the United States; much of the Western Hemisphere is reeling with this crisis. According to the United Nations, these children are streaming into Mexico, Panama, Nicaragua, and Belize as well as Canada and the United States.

From our perspective, we seem to be barraged on a daily basis by troubling images of vulnerable children, many still clutching their dolls and teddy bears, crossing the border into the United States and being immediately apprehended by Border Patrol Officers. This fiscal year alone, Border Patrol Officers have apprehended and detained over 50,000 unaccompanied children at the Southwestern Border.

The number of kids arriving at our border without their parents seems to grow by the day. The influx of these kids has certainly

strained Border Patrol resources. But the men and women of the Border Patrol have risen to the challenge.

In 2008, then-President George Bush signed the William Wilberforce Trafficking Victims Protection Reauthorization Act. The law recognizes that special care is demanded when dealing with the young and vulnerable.

Under these laws, the Border Patrol is required to take unaccompanied children who are not from Mexico into custody, screen them and transfer them to the Department of Health and Human Services Office of Refugee Resettlement.

I would note for the record that during this challenging time, even though Border Patrol has had to ramp up activities in the Rio Grande Valley, the agency's effectiveness rate has improved.

For those out there who are looking for simple answers, to lay the blame on President Obama's policy on deferred action for childhood arrivals or even the Senate-passed comprehensive immigration reform legislation, I would note that neither would apply to these kids. Hence the assertion that the recent surge in unaccompanied children is due to lack of immigration enforcement does not pass the smell test.

In a time of crisis such as this, Mr. Chairman, we need to get our priorities in line and find both near-term and long-term ways to address this situation. On June 2, the President tapped Secretary Johnson to establish a unified coordinating group to ensure Federal unity of effort to address this situation.

In turn, Secretary Johnson appointed FEMA Administrator Fugate to be the fellow coordinating official and lead those efforts throughout the Executive branch.

Looking out to the long-term, we need to do more to turn the tide on this crisis by, among other things, fostering greater stability among our neighbors and dissuading families from taking such action.

Over the weekend, Secretary Johnson issued a public service announcement in various Central American countries, debunking the myths about U.S. immigration policy and informing the parents about the danger of traveling from Central America to the United States.

Today, I want to hear from the Department about the response and their work with other fellow agencies including the Departments of Health and Human Services, Defense, and State in addressing this crisis. We need to organize all our fellow agencies involved, not just DHS, to effectively address the sudden surge.

Looking beyond DHS, there are questions to ask about HHS's resources, for that matter, States' engagement through regional security initiatives such as the Central American Regional Security Initiative. Do these programs have enough funding and personnel to be effective? I recognize that the panel assembled today may not be in a position to answer this question, but it is a question I will be pursuing.

Dehumanizing and labeling these kids and their parents will not yield a solution. Labeling this as an administration failure will not address what is actually going on in El Salvador, Honduras, and Guatemala that would cause a parent to hand over their son or

daughter to a smuggler or send that child through a perilous trek through Central American and Mexico to the United States.

At this time, Mr. Chairman, we can use our platforms to rise to the occasion and be helpful or we can engage in political grandstanding at the peril of young lives. It is my hope that this committee with its strong history of bipartisanship, can choose the former and be a model for effective leadership on this matter.

With that, Mr. Chairman, I yield back.

Chairman MCCAUL. I thank the Ranking Member for his constructive comments. Other Members are reminded that opening statements may be submitted for the record.

We are pleased here today to have a distinguished panel of witnesses before us here today.

First, the Secretary—Jeh Johnson—of Homeland Security was sworn in on December 23, 2013 as the fourth Secretary of the Department of Homeland Security.

Prior to joining DHS, he served as general counsel for the Department of Defense where he served as part of the senior management team and led more than 10,000 military and civilian lawyers across the Department.

As general counsel of the Department of Defense, Secretary Johnson oversaw the development of the legal aspects of many of the Nation's counterterrorism policies and spearheaded reforms to the military commission systems at Guantanamo Bay.

Sir, as you and I talked privately, you have traveled many times down to my home State of Texas and seen this crisis first-hand, and we thank you for doing that.

He is accompanied today, this morning, by Mr. Greg Fugate, the administrator of the Federal Emergency Management Agency, and Mr. Ronald Vitiello, the deputy chief of the United States Border Patrol.

Mr. Fugate and Mr. Vitiello will not be offering opening statements; they are here to answer any questions that Members may have.

Secretary has submitted a written statement on behalf of those witnesses, which will appear in the record. The Chairman now recognizes the Secretary for 5 minutes for his opening statement.

STATEMENT OF HON. JEH C. JOHNSON, SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY, ACCOMPANIED BY W. CRAIG FUGATE, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOMELAND SECURITY, AND RONALD D. VITIELLO, DEPUTY CHIEF, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Secretary JOHNSON. Thank you, Chairman. You have my prepared statement. I will deliver an abbreviated version of it.

Mr. Chairman, Ranking Member Thompson, Members of this committee, I thank you for the opportunity to testify today about our efforts to address the recent rise of unaccompanied children and others crossing our border in the Rio Grande Valley.

With me today to answer questions are Craig Fugate, the administrator of FEMA, and Deputy Chief Ron Vitiello of the U.S. Border Patrol.

To be clear, we face an urgent situation in the Rio Grande Valley. Last fiscal year, CBP apprehended more than 24,000 unaccompanied children at the border. By mid-June of this year, that number has doubled to more than 52,000. Those from Guatemala—Guatemala, El Salvador, Honduras make up three-quarters of that migration.

On Friday, I traveled to South Texas for the fourth time in 6 months in office, this time, to lead an interagency team to oversee our efforts there. While there, we met with officials at McAllen and Lackland to review the situation and hear directly from those on the ground what their needs are.

While there, I spent time talking with the children again. It is a vivid reminder that this is a humanitarian issue as much as it is a matter of border security. We are talking about large numbers of children without their parents, who have arrived at our border hungry, thirsty, exhausted, scared, and vulnerable.

How we treat the children in particular is a reflection of our laws and our values. Therefore, to address this situation, our strategy is three-fold. First, process the increased tide of unaccompanied children through the system as quickly as possible; No. 2, stem the increased tide of illegal migration into the Rio Grande Valley; and No. 3, do these things in a manner consistent with our laws and values as Americans.

So here is what we are doing.

First, on May 12, I declared a Level 4 condition of readiness within DHS, which is a determination that the capacity of CBP and ICE to deal with the situation is full, and we need to draw upon additional resources across all of DHS.

I appointed Deputy Chief Vitiello, to my left, to coordinate this effort within DHS.

Second, on June 1, President Obama, consistent with the Homeland Security Act, directed me to establish a unified coordination group to bring to bear the assets of the entire Federal Government on this situation. This group includes DHS and all of its components, the Department of Health and Human Services, Defense, Justice, State, and GSA.

I, in turn, designated FEMA Administrator Fugate, to my right, to serve as the Federal coordinating official for the U.S. Government-wide response.

Third, we have established added capacity to deal with the processing and housing of the children. We are creating additional capacity in places, and we are considering others.

Fourth, DHS and HHS are increasing Spanish-speaking case management staff, increasing staff handling incoming calls from parents or guardians, raising awareness of the parent hotline provided by FEMA and operated by HHS, surging staff to manage the intake of CBP referrals to track shelter bed capacity and facilitate shelter designations.

Here I must note from personal observation that our Border Patrol and other CBP personnel, as well as personnel from HHS, ICE, FEMA, and the Coast Guard are doing a remarkable job in difficult circumstances. All of these dedicated men and women deserve our recognition, support, and gratitude.

Fifth, DHS is building additional detention capability for adults who cross the border illegally in the Rio Grande Valley with their children. For this purpose, DHS is establishing a temporary facility for adults and children on the Federal Law Enforcement Training Center's campus in Artesia, New Mexico. The establishment of this temporary facility will help CBP process those encountered at the border and allow ICE to increase its capacity to house and expedite the removal of adults with children in a manner that complies with Federal law.

Artesia is one of several facilities that DHS is considering to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the Southwest Border.

Sixth, DHS has brought on more transportation assets to assist in the effort. The Coast Guard is loaning air assets to help transport the children. ICE is leasing additional charter aircraft.

Seventh, throughout the RGV sector we are conducting public health screening for all those who come into our facilities for any symptoms of contagious diseases or other possible public health concerns.

Both DHS and HHS are ensuring that the children's nutritional and hygienic needs are met while in our custody, that children are provided regular meals and access to drinks and snacks throughout the day, that they receive constant supervision, and that children who exhibit signs of illness or disease are given proper medical care.

We have also made clear that all individuals will be treated with dignity and respect and any instances of mistreatment reported to us will be investigated.

Eighth, working through FEMA's National Response Coordination Center, we are coordinating with voluntary and faith-based organizations to help us manage the influx of unaccompanied children crossing the border. The American Red Cross is providing blankets and other supplies, and through their Restoring Family Links Program is coordinating calls between children in the care of DHS and families anxious about their well-being.

Ninth, to stem the tide of children seeking to enter the United States, we have also been in contact with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interest, the underlying conditions in Central America that are promoting the mass exodus, and how we can work together to assure a faster, secure removal and repatriation.

Last week, President Obama spoke with Mexican president Peña Nieto about the situation, as has Secretary Kerry. This past Friday Vice President Biden also visited Guatemala to meet with regional leaders to address the influx of unaccompanied children and families from Central America and the underlying security and economic issues that are causing this migration.

The Vice President announced that the United States will be providing a range of new assistance to the region, including \$9.6 million in additional funding for Central American governments to receive and reintegrate their repatriated citizens and a new \$40 million U.S. Agency for International Development program in Guate-

mala over 5 years to improve citizen security. An additional \$161.5 million will be provided this year to the Central American Regional Security Initiative to further enable Central American countries to respond to the nations' most pressing security and governance challenges.

I will travel to Guatemala on July 8–9. The government of El Salvador has sent additional personnel from its consulate in the United States to south Texas to help expedite repatriation to its country.

Tenth, DHS together with DOJ has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley.

Eleventh, we are initiating and intensifying our public affairs campaigns in Spanish, with radio, print, and TV post to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States and the dangers of putting children into the hands of criminal smuggling organizations.

As the Chairman noted, I have personally issued an open letter to the parents of those who are sending their children from Central America to the United States, which has been distributed broadly in Spanish and English to highlight the dangers of the journey and to emphasize there are no free passes or permisos at the other end.

We are stressing that the Deferred Action for Childhood Arrivals or DACA program, does not apply to children who arrive now or in the future in the United States and that to be considered for DACA individuals must have continually resided in the United States since June 2007, 7 years ago.

We are making clear that the earned path to citizenship contemplated by the Senate bill passed last year will not apply to individuals who cross the border now or in the future, only to those who have been in this country for the last year-and-a-half.

Twelfth, given the influx of unaccompanied children in the Rio Grande Valley, we have increased CBP staffing and detailed 115 additional experienced agents from less active sectors to augment operations there. I am considering sending 150 more Border Patrol Agents, based on my review of operations there this past week.

Thirteenth, in early May I directed the development of a Southern Border and Approaches Campaign Plan effort that is putting together a strategic framework to further enhance security for our Southern Border.

Finally, we will continue to work closely with Congress on this problem and keep you informed. DHS is updating Members and staff on the situation in conference calls twice a week and we are facilitating site visits to Border Patrol facilities in Texas and Arizona for a number of Members and their staff.

I have directed my staff to be forthright in bringing to me every conceivable, lawful option for consideration to address this problem. In cooperation with the other agencies of our Government that are dedicating resources to the effort, with the support of Congress, and in cooperation with the governments of Mexico and Central America, I believe we will stem this tide.

Thank you.

[The prepared statement of Secretary Johnson follows:]

PREPARED STATEMENT OF JEH C. JOHNSON

JUNE 24, 2014

Chairman McCaul, Ranking Member Thompson, and Members of the committee: Thank you for the opportunity to testify today about our efforts to address the recent rise of unaccompanied children and others crossing our border in the Rio Grande Valley (RGV). With me today to answer questions are Craig Fugate, the administrator of FEMA, and Ron Vitiello, deputy chief of the U.S. Border Patrol.

To be clear, we face an urgent situation in the RGV. Last fiscal year, CBP apprehended more than 24,000 unaccompanied children at the border. By mid-June of this fiscal year, that number has doubled to more than 52,000. Those from Guatemala, El Salvador, and Honduras make up about three-quarters of that migration.

On Friday, I traveled to South Texas for the fourth time in 6 months in office, this time to lead an interagency team to oversee our efforts there. While there we met with officials at McAllen and Lackland to review the situation and hear directly from those on the ground what their needs are. While there I spent time talking with the children again. It was a vivid reminder that this is a humanitarian issue as much as it is a matter of border security. We are talking about large numbers of children, without their parents, who have arrived at our border—hungry, thirsty, exhausted, scared, and vulnerable. How we treat the children, in particular, is a reflection of our laws and our values.

Therefore, to address this situation, our strategy is three-fold: (1) Process the increased tide of unaccompanied children through the system as quickly as possible; (2) stem the increased tide of illegal migration into the RGV; and (3) do these things in a manner consistent with our laws and values as Americans.

So, here is what we are doing:

First, on May 12, I declared a Level IV condition of readiness within DHS, which is a determination that the capacity of CBP and ICE to deal with the situation is full and we need to draw upon additional resources across all of DHS. I appointed Deputy Chief Vitiello to coordinate this effort within DHS.

Second, on June 1, President Obama, consistent with the Homeland Security Act, directed me to establish a Unified Coordination Group to bring to bear the assets of the entire Federal Government on the situation. This Group includes DHS and all of its components, the Departments of Health and Human Services, Defense, Justice, State, and the General Services Administration. I, in turn, designated FEMA Administrator Fugate to serve as the Federal Coordinating Official for the U.S. Government-wide response. Under Administrator Fugate's supervision, there are now more than 140 interagency personnel and members stationed in FEMA's National Response Coordination Center dedicated to this effort.

Third, we have established added capacity to deal with the processing and housing of the children, we are creating additional capacity in places, and we are considering others. To process the increased numbers of unaccompanied children in Texas, DHS has had to bring the children to our processing center at Nogales, Arizona before they are sent to HHS. We are arranging additional processing centers to handle the rise in the RGV. Meanwhile, the Department of Defense has provided space at Lackland Air Base in Texas for HHS to house the children before HHS can place them. DoD is also providing facilities at Fort Sill, Oklahoma and Ventura, California for the same purpose. FEMA, DHS, and HHS are working to continue to identify additional facilities for DHS and HHS to house and process the influx of children.

Fourth, DHS and HHS are increasing Spanish-speaking case management staff, increasing staff handling incoming calls from parents or guardians, raising awareness of the Parent Hotline provided by FEMA and operated by HHS, surging staff to manage the intake of CBP referrals to track shelter bed capacity, and facilitate shelter designations. We are developing ways to expedite background checks for sponsors of children, integrate CBP and HHS information-sharing systems, and increase capacity to transport and place children. (Here I must note, from personal observation, that our Border Patrol and other CBP personnel, as well as personnel from HHS, ICE, FEMA, and the Coast Guard, are doing a remarkable job in difficult circumstances. I have also witnessed how the not-for-profit Baptist Child Family Services stepped in quickly and is also doing a remarkable job housing the unaccompanied children at Lackland, identifying and then placing them consistent with HHS's legal obligations. All of these dedicated men and women deserve our recognition, support, and gratitude.)

Fifth, DHS is building additional detention capacity for adults who cross the border illegally in the RGV with their children. For this purpose DHS is establishing

a temporary facility for adults with children on the Federal Law Enforcement Training Center's campus at Artesia, New Mexico. The establishment of this temporary facility will help CBP process those encountered at the border and allow ICE to increase its capacity to house and expedite the removal of adults with children in a manner that complies with Federal law. Artesia is one of several facilities that DHS is considering to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the Southwest Border. DHS will ensure that after apprehension, families are housed in facilities that adequately provide for their safety, security, and medical needs. Meanwhile, we will also expand use of the Alternatives to Detention program to utilize all mechanisms for enforcement and removal in the RGV Sector. DOJ is temporarily reassigning immigration judges to handle the additional caseload via video teleconferencing. These immigration judges will adjudicate these cases as quickly as possible, consistent with all existing legal and procedural standards, including those for asylum applicants. Overall, this increased capacity and resources will allow ICE to return unlawful migrants from Central America to their home countries more quickly.

Sixth, DHS has brought on more transportation assets to assist in the effort. The Coast Guard is loaning air assets to help transport the children. ICE is leasing additional charter aircraft.

Seventh, throughout the RGV Sector, we are conducting public health screening for all those who come into our facilities for any symptoms of contagious diseases or other possible public health concerns. Both DHS and HHS are ensuring that the children's nutritional and hygienic needs are met while in our custody; that children are provided regular meals and access to drinks and snacks throughout the day; that they receive constant supervision; and that children who exhibit signs of illness or disease are given proper medical care. We have also made clear that all individuals will be treated with dignity and respect, and any instances of mistreatment reported to us will be investigated.

Eighth, working through FEMA's National Response Coordination Center, we are coordinating with voluntary and faith-based organizations to help us manage the influx of unaccompanied children crossing the border. The American Red Cross is providing blankets and other supplies and, through their Restoring Family Links program, is coordinating calls between children in the care of DHS and families anxious about their well-being.

Ninth, to stem the tide of children seeking to enter the United States, we have also been in contact with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interests, the underlying conditions in Central America that are promoting the mass exodus, and how we can work together to assure faster, secure removal and repatriation. Last week President Obama spoke with Mexican President Peña Nieto about the situation, as has Secretary Kerry. This past Friday, Vice President Biden also visited Guatemala to meet with regional leaders to address the influx of unaccompanied children and families from Central America and the underlying security and economic issues that are causing this migration. The Vice President announced that the United States will be providing a range of new assistance to the region, including \$9.6 million in additional funding for Central American governments to receive and reintegrate their repatriated citizens, and a new \$40 million U.S. Agency for International Development program in Guatemala over 5 years to improve citizen security. An additional \$161.5 million will be provided this year under the Central American Regional Security Initiative to further enable Central American countries to respond to the region's most pressing security and governance challenges. I will travel to Guatemala on July 8–9. The government of El Salvador has sent additional personnel from its consulate in the United States to South Texas to help expedite repatriation to its country.

Tenth, DHS, together with DOJ, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the RGV. Homeland Security Investigations, which is part of ICE, is surging 60 additional criminal investigators and support personnel to their San Antonio and Houston offices for this purpose. In May, ICE concluded a month-long, targeted enforcement operation that focused on the logistics networks of human smuggling organizations along the Southwest Border, with operations in El Paso, Houston, Phoenix, San Antonio, and San Diego that resulted in 163 arrests of smugglers. ICE will continue to vigorously pursue and dismantle these alien smuggling organizations by all investigative means to include the financial structure of these criminal organizations. These organizations not only facilitate illegal migration across our border, they traumatize and exploit the children who are objects of their smuggling operation. We will also continue to work with our partners

in Central America and Mexico to help locate, disrupt, and dismantle transnational criminal smuggling networks.

Eleventh, we are initiating and intensifying our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States, and the dangers of putting children into the hands of criminal smuggling organizations.

In collaboration with DHS, the Department of State has launched public awareness campaigns in El Salvador, Guatemala, and Honduras, to warn families about the dangers encountered by unaccompanied minors who attempt to travel from Central America to the United States, and to counter misperceptions that smugglers may be disseminating about immigration benefits in the United States. Our embassies in Central America have collaborated with CBP to ensure both the language and images of the campaign materials would resonate with local audiences. I have personally issued an open letter (see attached) to the parents of those who are sending their children from Central America to the United States, to be distributed broadly in Spanish and English, to highlight the dangers of the journey, and to emphasize there are no free passes or “permisos” at the other end. We are stressing that Deferred Action for Childhood Arrivals, or “DACA,” does not apply to children who arrive now or in the future in the United States, and that, to be considered for DACA, individuals must have continually resided in the United States since June 2007. We are making clear that the “earned path to citizenship” contemplated by the Senate bill passed last year will not apply to individuals who cross the border now or in the future; only to those who have been in the country for the last year-and-a-half.

Twelfth, given the influx of unaccompanied children in the RGV, we have increased CBP staffing and detailed 115 additional experienced agents from less active sectors to augment operations there. I am considering sending 150 more Border Patrol Agents based on my review of operations there this past week. These additional agents allow RGV the flexibility needed to achieve more interdiction effectiveness and increase CBP’s operational footprint in targeted zones within its area of operations.

Thirteenth, in early May I directed the development of a Southern Border and Approaches Campaign Planning effort that is putting together a strategic framework to further enhance security of our Southern Border. Plan development will be guided by specific outcomes and quantifiable targets for border security and will address improved information sharing, continued enhancement and integration of sensors, and unified command-and-control structures as appropriate. The overall planning effort will also include a subset of campaign plans focused on addressing challenges within specific geographic areas, all with the goal of enhancing our border security.

Finally, we will continue to work closely with Congress on this problem, and keep you informed. DHS is updating Members and staff on the situation in conference calls two times a week, and we are facilitating site visits to Border Patrol facilities in Texas and Arizona for a number of Members and their staff.

I have directed my staff to be forthright in bringing to me every conceivable, lawful option for consideration, to address this problem. In cooperation with the other agencies of our Government that are dedicating resources to the effort, with the support of Congress, and in cooperation with the governments of Mexico and Central America, I believe we will stem this tide. Thank you.

AN OPEN LETTER TO THE PARENTS OF CHILDREN CROSSING OUR SOUTHWEST BORDER

This year, a record number of children will cross our Southern Border illegally into the United States. In the month of May alone, the number of children, unaccompanied by a mother or father, who crossed our Southern Border reached more than 9,000, bringing the total so far this year to 47,000. The majority of these children come from Honduras, El Salvador, and Guatemala, where gang and drug violence terrorize communities. To the parents of these children I have one simple message: Sending your child to travel illegally into the United States is not the solution.

It is dangerous to send a child on the long journey from Central America to the United States. The criminal smuggling networks that you pay to deliver your child to the United States have no regard for his or her safety and well-being—to them, your child is a commodity to be exchanged for a payment. In the hands of smugglers, many children are traumatized and psychologically abused by their journey, or worse, beaten, starved, sexually assaulted, or sold into the sex trade; they are exposed to psychological abuse at the hands of criminals. Conditions for an attempt

to cross our Southern Border illegally will become much worse as it gets hotter in July and August.

The long journey is not only dangerous; there are no “permisos,” “permits,” or free passes at the end.

The U.S. Government’s Deferred Action for Childhood Arrivals program, also called “DACA,” does not apply to a child who crosses the U.S. border illegally today, tomorrow, or yesterday. To be eligible for DACA, a child must have been in the United States prior to June 15, 2007—7 years ago.

Also, the immigration reform legislation now before Congress provides for an earned path to citizenship, but only for certain people who came into this country on or before December 31, 2011—2½ years ago. So, let me be clear: There is no path to deferred action or citizenship, or one being contemplated by Congress, for a child who crosses our border illegally today.

Rather, under current U.S. laws and policies, anyone who is apprehended crossing our border illegally is a priority for deportation, regardless of age. That means that if your child is caught crossing the border illegally, he or she will be charged with violating United States immigration laws, and placed in deportation proceedings—a situation no one wants. The document issued to your child is not a “permiso,” but a Notice To Appear in a deportation proceeding before an immigration judge.

As the Secretary of Homeland Security, I have seen first-hand the children at our processing center in Texas. As a father, I have looked into the faces of these children and recognized fear and vulnerability.

The desire to see a child have a better life in the United States is understandable. But, the risks of illegal migration by an unaccompanied child to achieve that dream are far too great, and the “permisos” do not exist.

JEH C. JOHNSON

Secretary of the U.S. Department of Homeland Security.

Chairman MCCAUL. I thank the Secretary.

The Chairman now recognizes himself for questions.

Let me say, first, I commend you for your immediate response to this crisis. But we do have a crisis on the border. It is in our backyard. It is impacting my State particularly probably the greatest.

When I see our military bases now turning into refugee camps here in the United States, I think that is something I never thought we would see in the United States.

I talked with senior officials of Border Patrol down in the Rio Grande Valley sector. We have 250—over 250 children being apprehended every day down there.

I think the saddest thing about this whole story is the exploitation of these children. I think, as you recently mentioned in your open letter, you said that it is dangerous to send a child on the long journey from Central America to the United States in the hands of smugglers. Many children are traumatized, psychologically abused by their journey, or worse, beaten, starved, sexually assaulted, or sold into a sex trade. They are exposed to psychological abuse at the hands of the criminals.

You know, we see these publications down in Central America, saying that if you come into the United States, you can stay. Now, whether that is a misinterpretation of our policies, I think there is a lot of confusion out there. I personally believe that this administration’s policies have contributed to this problem, and have encouraged more people to come.

When I talk to law enforcement, whether it is border sheriffs or CBP, on the border, they believe that this problem will continue until we provide a deterrence, a strong message that if you do come, you cannot stay.

So, Secretary Johnson, what are you doing in that respect? What deterrence are we providing to stop this? Because if we don’t provide that deterrence, this problem will not stop.

Secretary JOHNSON. I agree. First of all, we need to stem the tide.

These gentlemen here, to my left and right, are leading a Herculean effort to deal with the current capacity, but we have got to stem the tide. I believe, among the things that I listed here, that what is critical is we correct the record. We straighten the misperceptions.

The smuggling organizations are creating a misinformation campaign that there is a permisos or a free pass. I have even heard that you have to get here by May 2014 in order to get your free pass. So, the smuggling organizations have an incentive to induce these kids to have their families pay money to smuggle them up here, and so they are putting out misinformation, which we are trying to correct through our public awareness campaign.

But we are also building, as I mentioned, increased detention capability for adults who bring their kids into the country, to expedite their removal and return back to their home nations.

The other thing that we in the Department of Justice are very focused on right now is going after the networks of smuggling organizations, through their financial transactions, through prosecuting the personnel. We have surged DOJ and criminal investigators into Texas for that purpose. But I agree, Chairman, we need to stem the tide.

Chairman MCCAUL. I think that—I know in 2006 we had a Brazilian crisis, and we provided mandatory detention, and it—it worked. So I think—I think the administration needs to look at that. I think the National Guard, I know DOD doesn't like that option, but I think if they could help with the influx and allow Border Patrol to do their job on the border, I think that would be helpful as well.

In the limited time I have, I want to focus on what I think could be a very good solution to this problem in addition to deterrence. You and I have talked about this issue, and it has to do with Mexico, and Mexico's cooperation with the United States. They are allowing this to happen in their country. The drug cartels are exploiting these children as they come through Mexico, and we know that the Mexicans' southern border is completely wide open.

I know that we have offered assistance to Mexico that to date, I don't know whether that has been accepted, but my information is that it has not been. I would like to commit my efforts to work with you to get that problem solved, because I think, as you look at these children, they are all coming from Central America. If we can close the southern border of Mexico, that stops 99 percent of our problems here.

So, if, Mr. Secretary, if you wouldn't mind commenting on that issue.

Secretary JOHNSON. Well, first, as I mentioned in my opening comment, I want to hear every legal available option for consideration, whether it is from my own staff, whether it is from the inter-agency, or whether it is from Members of Congress or former Government officials who write op-eds. I want to hear every available option.

Clearly, the key—a key to this is what the government of Mexico can do. I agree with your assessment, Chairman, and as you and

I have discussed in private, we need to engage that government at the senior-most levels, and we have begun that in President-to-president discussions. I have had discussions with my counterpart. I think that the Mexicans' southern border, our shared border security interest is the key. I also think that engagement with the government of Guatemala is the key, which is why I am going there personally next month.

So, but—no doubt, we have got—this is a critical way to stem the tide.

Chairman McCAUL. I encourage you. I think you are right. Central America as well, with the Secretary of State, State Department has a role to deal with Central America and this crisis coming out of there.

With that, Chairman now recognizes the Ranking Member.

Mr. THOMPSON. Thank you Mr. Secretary for your excellent testimony. How often have you had a discussion with Secretary Kerry or Burwell on this situation? What I am looking for is, right now the microscope is on you, but they have some other players in this effort also. Are you having discussions with other officials of the Cabinet?

Secretary JOHNSON. Yes, definitely. On June 1, as I noted, the President established a Government-wide effort, pursuant to the Homeland Security Act, to deal with this and set up a unified coordination group, which I oversee, Administrator Fugate is in charge of it, which brings to bear the resources and assets of not only DHS, but HHS, DOJ, Department of Defense.

So we have an effort which FEMA, day-to-day, Craig and his staff, day to day, coordinate and support, but in addition to that, we are in routine—I am in routine conversation with my Cabinet counterparts about this issue. I am having a meeting with my Cabinet counterparts right after this testimony as a matter of fact. Last Friday, I brought a group of interagency colleagues down to McAllen and Langley myself to—not Langley, Lackland, myself to see the situation. So, we are in good consultation with all these other agencies.

Mr. THOMPSON. Yes, I am just trying to make sure that there is a understanding that it is not just Jeh Johnson who is responsible for this issue, but there are other players also who actually, we need to have a conversation with.

One of the conversations that I think would be important is under existing law, how long would the children be in custody of DHS before they are passed off to HHS?

Secretary JOHNSON. Under existing law, we are required to transfer the child within 72 hours to HHS, from the point at which we identify the child as an unaccompanied minor. I know that the provision in law says that there is an exception for extraordinary circumstances, but in general, the legal requirement is 72 hours.

Mr. THOMPSON. I guess my question to Administrator Fugate is, have you been able to coordinate the resources so that 72-hour pass-on is working?

Mr. FUGATE. At this time, with the number of children coming in, we are not meeting the 72 hours, but since June 1, we have added over 3,000 beds to the Health and Human Services Office of

Refugee Resettlement, including the three military bases that previously were referenced.

In addition to that, we wanted to get these kids as quickly as we could from the detention facilities to a bed, even if we could not get them into HHS's custody. So, Customs and Border Protection has built out one processing center. Another one is coming on-line in mid-July.

So, at this point we have not reached the 72 hours, but we are building more capacity to get children in beds, but also, Health and Human Services is stepping up placement for the longer-term care of these children.

Our other hope is that the quicker we can place children long-term, either reunited with legal guardians or parents, or with foster families while they await further proceedings, the fewer beds that will be required.

So, we have increased capacity, but the number of children coming in has increased as well, and we have not reached the 72-hour mark.

Mr. THOMPSON. I guess the follow-up to that is, in your coordinating role, do you feel that the resources necessary to be successful have been made available to you?

Mr. FUGATE. Yes, sir. It is—the challenge is again, in building out facilities and bringing on additional foster care facilities. These are licensed facilities. It is diligent work by a lot of Federal agencies to get this done, and it is time-consuming. That is why we looked at some intermediate steps to increase bed capacity within Customs and Border Protection.

But you do have, I believe, additional requests that have been identified from OMB, that there will be additional resources required in the next year. We continue to work within our authorities and within the budgets we currently have.

Mr. THOMPSON. Mr. Vitiello, can you tell us whether or not the Border Patrol as it is presently staffed can meet this influx of young people coming across the border?

Chief VITIELLO. As is typical, the men and the women of the Border Patrol have stepped up to this task. I think you heard the Secretary describe that we were there on Friday. We watched the hard, diligent, heroic work that they are doing to make the best of this situation.

It is our—it is my assessment and what we heard from the leadership on the ground down there, the agents that are involved in this crisis, we are adequately staffed and even better staffed than we were this time last year.

So we are concerned as this goes on about staffing levels and our ability to do the other Border Patrol functions. But the reports that we got on Friday, I am very comfortable that they have the resources that are available and they are using them in an adequate way to protect the border.

This isn't a security problem in the sense that this population, both the family units and—the children, are not trying to evade apprehension at the border. They are essentially coming in an area that is well-known by us, well-patrolled by us and they are not evading arrest.

Then in the other locations along the border, we are adequately or we are better-staffed or the same staffing that we had last year. So there is some risk involved here but the reports that we heard on Friday don't concern me.

Mr. THOMPSON. Thank you.

I yield back.

Chairman MCCAUL. Chairman now recognizes the gentleman from New York, Mr. King.

Mr. KING. Thank you, Mr. Chairman.

Secretary Johnson, let me thank you for your testimony today. Before we get into this issue, let me thank you for what you have done as far as counterterrorism efforts. I want to personally thank you for that. It is greatly appreciated.

On this issue, let me get to the question that the Chairman is raising regarding deterrence. In your statement, you say that you want to emphasize there are no free passes. I understand what you mean by that.

But if you are a parent in Central America, in effect, this can look like a free pass because you are making the situation more humanitarian, you are making more facilities available, as Mr. Fugate said, you are providing foster families, all which is understandable. That is our obligation as human beings.

But the other hand, if you are a family in Guatemala or El Salvador this, in a way, is a free pass. It is a much better life for them than they are getting right now in South America. So I don't know how that is going to in any way stall what is happening.

On the issue of diplomatic engagements, it would appear that, as the Chairman said, the southern border of Mexico is the key here. Do we have any realistic hope that Mexico is going to be cooperative on that?

Also, you mentioned going after the coyotes? What is the time frame on that? As a practical matter, we have been trying to do that for years. Is there any reason to think homeland security or DOJ can expedite that or be more effective?

I am not reflecting on you; I am just saying we have been doing this for as long as I can remember, going after the coyotes and they are still there.

So I guess, you know, what is the deterrence? Because the more you take what is proper humanitarian action, the more you are making it, to me, more accessible and more hospitable. It seems to be almost a Catch-22 unless we can really step up the diplomatic efforts regarding the southern border of Mexico and whatever pressure we can bring on El Salvador and other countries and going after the coyotes.

Secretary JOHNSON. Well, a couple of things.

First, I am convinced that the principal reason these kids—from everything I have heard, everything I have seen and from my own conversations with these kids, the principal reason they are leaving is the push factor from the countries they are leaving.

The conditions in Honduras, for example, are horrible. It is the murder capital of the world.

There is—there is this disinformation out there that there are permisos. That is what we are hearing. Permiso, free pass, like you

get a piece of paper that says, "Welcome to the United States. You are free."

That is not the case. When you are apprehended at the border, irregardless of age, you are a priority for removal. So they are given a notice to appear in a deportation proceeding.

The way the law works, the 2008 law, we are required to give that child to HHS and HHS is required to act in the best interest of the child, which most often means placing that child with a parent who is here in the United States. But there is a pending deportation proceeding against the child.

Now in terms of—but that is not a free pass. In terms of—

Mr. KING. But if I were a parent in Guatemala, wouldn't I see that as being a free pass? I mean, a child, a 5-year-old child getting an order to show up in immigration court, you know, are you going to actually deport that child? You know, to me, it is a free pass, you know, from their perspective.

Secretary JOHNSON. I don't—Congressman, I don't see it as a free pass, particularly given the danger of migrating over 1,000 miles through Mexico into the United States, especially now in the months of July and August that we are facing.

A lot of these kids stow away on top of freight trains, which is exceedingly dangerous. I spoke to one kid who was about 12 or 13 who spent days climbed on top of a freight train, a boxcar.

These kids, sometimes they fall off because they fall asleep. They can't hold on any longer. It is exceedingly dangerous.

Mr. KING. I am not saying it is a free pass. I am just saying how do we change their minds to not think it is a free pass considering the poverty they are under.

Also, if I could ask on that, is the situation any worse in Honduras today than it was 2 years ago or 3 years ago or any tougher economically or gang-wise in these countries than it was several years ago before we had this mass influx?

Secretary JOHNSON. I know it has been bad for a while. I know it has been bad for a while.

If you are asking me to explain why the influx over the last couple of months all of the sudden—

Mr. KING. If you could, yes, sure.

Secretary JOHNSON. I am not sure I have the answer to that question.

I do believe that the smuggling organizations are putting out a lot of disinformation about the conditions, the legal conditions here in the United States to induce this activity. I agree with you, Congressman, that we have to put in place—and I think we are doing this—a number of deterrent factors, increased housing to detain parents, adults who come to this country with their children, expedited removals and the public relations campaign.

One of the things I am doing in addition to everything else we have done on the public relations front is I am talking to the U.S. Conference of Catholic Bishops about how they can help. I have had very good conversations, and I think that they will because they realize that—the dangers of a parent sending a child through this type of migration.

Mr. KING. Thank you for your service.

I yield back, Mr. Chairman.

Chairman MCCAUL. I thank the gentleman.

The Chairman now recognizes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank both the Chairman and the Ranking Member for the spirit of this hearing.

The combined recognition that this is a humanitarian crisis way beyond our imagination, we might use hindsight, Mr. Secretary, and look at this and say: Why did we not see it?

I think the variables of the world would argue that the world remains in crisis in many areas and it makes it very difficult, even when individuals are your neighbors, to be able to spot crises maybe before they begin to show themselves.

So I am grateful for the response of the Border Patrol and the agencies and the President who has recognized that we have come.

Let me first of all acknowledge that this should not be political grandstanding. I would commend some of my colleagues to read—I will hold up this article that says, “Why 90,000 Children Flooding Our Border Is Not an Immigration Story.”

In a survey of 404 by the United Nations, they found that 58 percent of these children were forcibly displaced and to a degree, it warranted international protection, meaning that if the United States breached its responsibility—and I know some adhere to the United Nations, I do, I respect it as an international organization—we would be breaching many of its conventions that we have adhered to.

So we are doing the right thing. I think it is important that I ask unanimous consent to put this in the record, an article dated June 16, 2014.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

ARTICLE SUBMITTED BY HON. SHEILA JACKSON LEE

WHY 90,000 CHILDREN FLOODING OUR BORDER IS NOT AN IMMIGRATION STORY

Virtual cities of children are fleeing their homes. This is a lot bigger than U.S. border control, a United Nations protection officer explains.



A boy in Mexico peers through a border fence into Arizona following a special “Mass on the Border” on April 1, 2014 in Nogales, Ariz. (John Moore/Getty Images).

National Journal, June 16, 2014.

The numbers are astounding.

Just a few weeks ago, the United States was projecting 60,000 unaccompanied minors would attempt to illegally cross the U.S.-Mexico border by the end of the year. That projection is now 90,000, and it may be surpassed.

Virtual cities of children are picking up and fleeing El Salvador, Honduras, and Guatemala—some of the most dangerous places in this hemisphere. In Washington, the story has stoked the long-standing debate over border policy. But U.S. immigration policy is just a small part of this story. Yes, the U.S. immigration system is now bottle-necked with the influx, prompting emergency response from the Federal Emergency Management Agency. But changing U.S. border policy won’t stem the root of the exodus.

“The normal migration patterns in this region have changed,” Leslie Velez, senior protection officer at the U.N. High Commission for Refugees, explains. These people aren’t coming here for economic opportunity. They are fleeing for their lives.

“For the U.N. refugee agency to register an uptick in asylum applications in places other than the United States is a huge red flag for us.”

Earlier this year, the United Nations High Commissioner on Refugees surveyed 404 children from Mexico and Central America who arrived in the United States illegally, and asked a simple question: Why did you leave? The report found “that no less than 58 percent of the 404 children interviewed were forcibly displaced” to a degree that warranted international protection, meaning that if the U.S. refused these children, it could be in breach of U.N. conventions.

Velez was one of the authors of that report, interviewing undocumented immigrant children across the U.S. immigration system for two hours each. They told Velez and her team stories of extreme violence, and fear of being caught up in gangs. Forty-eight percent of the children “shared experiences of how they had been personally affected by the augmented violence” at the hands of “organized armed criminal actors, including drug cartels and gangs, or by state actors.”

Recently, I spoke with Velez over the phone to learn more about the forces motivating children to make the journey north. Below is an edited transcript of our conversation.

When did it become apparent that something out of the ordinary was happening with migration out of Central America?

Our sister agency, the U.N. Office on Drugs and Crime, started the clock at the increase in violence and insecurity in the Northern Triangle in 2006.

Around 2008, it was probably the first time it really hit the U.N. refugee agency's radar. When we went back to the numbers, there was an increase in asylum applications starting as early as 2005. It wasn't too significant until we got to 2008. And in 2008 to 2013 we noted a 712 percent increase that were lodged in countries other than the United States [like Mexico, Panama, Belize, and Costa Rica].

So why are we hearing about this now?

The numbers have been doubling every year since 2011. And for us, that's dramatic. For the U.S. government—who has been really challenged in order to process this large number—I think their capacity has really been tested in the last few weeks. I think that's what generated a lot of attention. Because the numbers have rapidly increased.

And your next follow-up question is probably going to be, "Why?"

Yes it is. Why?

Out of the 404 children surveyed, only nine of mentioned anything about U.S. immigration policy.

From reports that we are hearing from individuals on the ground, both from our U.N. offices that are there, as well as NGOs—in particular Catholic Relief Services in El Salvador—they have been really clear that on the ground a few important things are happening.

One is that the criminal armed actors, specifically gangs, are really operating with significant impunity and targeting children at a younger and younger age. Recently there was a very public massacre and dismemberment of children as young as seven who had refused to join the gang. So it was a message to show who is in power, who is in control.

This is a huge story, involving tens of thousands of personal stories and the intricate histories of three troubled countries. But for those unfamiliar with the happenings in Central America—how would you encapsulate what's going on down there?

It's a humanitarian crisis in the region. The numbers are alarming, but the stories behind them are even more so. The situation is basically this: we have weak governments, entrenched poverty, and a growing control and power of criminal actors.

Why kids?

That's a really good question. The kids are vulnerable because they are children. And they are being targeted.

We liken the situation very much to the situation of the recruitment of child soldiers on other continents. Children are particularly vulnerable, they are susceptible to harm, they are easily terrorized, and the very fact that they are children is the single factor in the harm that they are experiencing. They are specifically being targeted to be recruited. They are the ones who are being bullied.

Much of the news has focused on the U.S. response at the border. But is there much journalism coming out of the conflict areas?

There's really little. Most of the media that covers it well is Spanish media.

Is that changing?

I hope so.

Who is making the decision to flee, to go north? Is it the kids themselves, the parents? How much choice do the kids have in this and how do they make this decision?

"This is not a migration story. This is a humanitarian crisis."

I think I hear the question you are asking but I'm going to give you a different answer.

This is a situation of forced displacement. After interviewing 404 children for our own report, when the numbers came back they showed that 58 percent of them were fleeing violence. Very little choice, that they were fleeing.

I think your question went to, well, who has the agency here, is it the children making decision for themselves, the grandparents, the family members? Who is doing it?

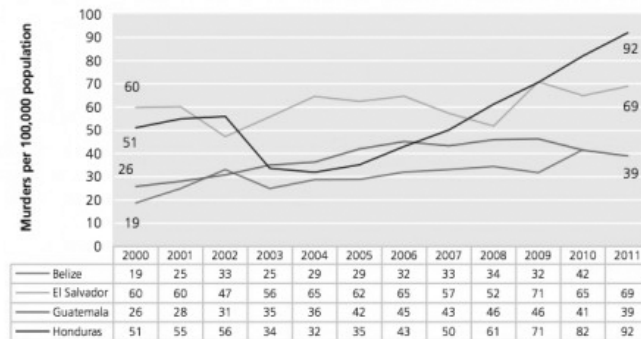
I guess the question back to you is, is there really a choice here? Already in the context of entrenched poverty in which criminal gang armed actors can really act with impunity. This is a bad recipe.

According to reports, as many as 60,000 minors have come to our border this year. When I hear numbers that high, I wonder, is this a systematic form of travel? Are there economies involved in this mass movement of people? Exploitation?

Well, the 60,000 mark was hit maybe a good 3 or 4 weeks ago. The projections are about 90,000 by the end of the fiscal year. We're talking about unaccompanied children.

In terms of how they are getting here: So many of them are just invisible. Some people are being smuggled, some people are being trafficked, some people think that they are paying a smuggler and they end up being trafficked, some people come with other relatives. There are so many different stories. And I think there are a lot of actors that are actually exploiting the fact that these children are increasingly vulnerable. And there are a lot of for-profit entities out there that are trying to profit [off] the children who are trying to leave.

Figure 2: Murder rates in northern Central America, 2000-2011



Source: UNODC Homicide Database

Is the answer we just don't know? Is there a fog of information between Central America and the U.S.?

Last year Mexico apprehended 5,500 [children] in the same year, 23,000 arrived to the United States, and I'm not including Mexicans in the 23,000 figure. These are all children from El Salvador, Honduras, and Guatemala. Twenty-three thousand of them made it through Mexico without being detected.

In the wake of these trends, some lawmakers have called on increased southern border security for Mexico. What do you make of that?

I think that's a knee-jerk reaction, which is not entirely inappropriate. But any conversation about increasing enforcement of other countries at points south has to include protection from sending people back to where they fear persecution or torture.

I've been reading that these children are coming north on rumors that the United States will let them in, that the Obama administration has lax policies toward minors. Did you find that at all in your survey?

We interviewed 404 children asking extremely open-ended questions as to the reasons and the nature of having left and what they were expecting when they arrived. Out of the 404, only 9 of them mentioned any kind of possibility of the U.S. treating children well. Two said "immigration reform"; one said "I hear they treat kids well." It's very general and from the perspective of a child. But only nine out of 404 said anything about that.

So what is attracting them to the United States?

First, I have to point out to you, it's not just the United States. That was another red flag for us. There is an increasing trend to seek asylum in Mexico, which is much safer for them than where they are from. The number of asylum seekers in Nicaragua, in Belize, in Costa Rica, in Panama—all of that has grown 712 percent since 2008.

This is not the normal flow. For the U.N. refugee agency to register an uptick in asylum applications in places other than the United States is a huge red flag for us. People are leaving to places where they can find safety.

So what are the countries experiencing the influx?

The U.S., Canada, Mexico, Costa Rica, Panama, Nicaragua, Belize.

How many people have left El Salvador, Honduras, and Guatemala? I'm trying to imagine the long-term impacts of tens of thousands of young people leaving their homes behind.

We don't know how many people have left. I can generally signal how many have been picked up on the radar by the states. As of last month we have 45,000 adults

who have indicated a fear of return to U.S. border officials. Of that number, approximately 70 percent of that 45,000 figure are from those same three countries.

These are just the folks who are claiming fear of return, getting that registered. This is what has actually hit the radar. We have no idea about how many people don't get intercepted by border authorities. There is no way for us to track the number of individuals that are part of regular migration-enforcement activities.

Already to be talking about a flow of over 100,000 people from three countries is quite alarming.

Are these refugees? Immigrants? Does the distinction matter?

What we learned from our empirical study was that 58 percent of the children we interviewed flagged an international-protection concern. Where we drew the line, was that these children feared return because of violence and insecurity. They feared harm to themselves, and had the single conviction that they could not be protected in their countries. So that was our most conservative lens that we could look at the numbers. We excluded entrenched poverty, we excluded everything else. So 58 percent of the kids, in a statistically significant pool of 404, we wanted to be able to extrapolate to have a significant pool, present international protection concerns.

So what does that mean? We did not interview them [to determine refugee status]. We interviewed them to find out why they left. We did a preliminary screening which to us was enough to say these individuals presented concerns.

Which means that if a country was to reject these people from their borders without allowing them any access to asylum protection or complementary protection processes, it actually would be in breach of the conventions.

Is the U.S. handling this well?

"The humanitarian response is not going to solve the problem. The faucet has to be turned off or the water is going to keep flowing."

The U.S. is doing everything that I think it possibly can in this short-term context. We have really applauded that President Obama has recognized there is a humanitarian crisis, and that he engaged FEMA and has asked the Secretary of Homeland Security to respond. The machinery is in place, it's starting to move. The domestic response, in the short term, is doing the best that it can to get people out of the bottlenecks facilities that are just not equipped to deal with this type of flow.

But what the U.S. could be doing better, is that this is really a regional issue. Each country is unique and if you look at the data in our report about what's happening in each country, you are going to see some clear difference. At the same time it's a regional challenge—people are leaving and they are going to points North, points South—it requires a regional response. It's not on the U.S. alone to solve. But were supporting it to recognize that there is a foreign policy element here to all of the challenges.

The humanitarian response is not going to solve the problem. The faucet has to be turned off or the water is going to keep flowing. To that end, the U.S. needs to address the root causes, and it has a role in addressing the root causes. First, on the top of the list, is to continue violence-prevention efforts—like job creation, education, strengthen women's counsels—do a lot more institution strengthening, more government programs.

What is the American media getting wrong about this story? Or, what's the take-home point we miss?

This is not a migration story. This is a humanitarian crisis, and an example of consequences of weak governments. It's a humanitarian crisis and a foreign policy issue. We're responding in a humanitarian way, and supporting the government to do so, but that's not going to shut off the faucet.

The normal migration patterns in this region have changed. While it is still a mixed migration flow—people are still coming for a number of reasons. There is a growing number of people who are literally fleeing for their lives.

<http://www.nationaljournal.com/domesticpolicy/why-90-000-children-flooding-our-border-is-not-an-immigration-story-20140616>

ATTACHMENT.—UNACCOMPANIED CHILDREN AT THE BORDER

U.S. Customs and Border Protection struggles to process the rising numbers of minors

By Chet Susslin, June 20, 2014.



Detainees sleep in a holding cell.(Eric Gay-Pool/Getty Images)



Clothes for detainees are sorted and folded.(Eric Gay-Pool/Getty Images)



Detainees watch a World Cup soccer match from a holding cell at the U.S. Customs and Border Protection Nogales Placement Center in Nogales, Ariz. (Ross D. Franklin-Pool/Getty Images)



A toddler sits on the floor with other detainees. (Eric Gay-Pool/Getty Images)

Ms. JACKSON LEE. I also want to hold up what we are talking about. We are talking about a little baby holding a bottle, maybe not even carried by his own family.

We are talking about children who are not in the Taj Mahal but are desperate and maybe internally displaced or chased off by the violence of their countries, and we are trying to respond to it. I think that is very important.

I think it is also important to note that the Wilberforce Act was signed in 2008 by President Bush. This is the one about unaccompanied children that were supposed to be handled by HHS. It was legislation that originated in the Judiciary Committee. I remember it very well.

The idea was for 20 children or 100 children to be handled by HHS, a more humanitarian—it was not an open-door policy. It was never, if you will, amnesty.

Then I want to put into the record the June 15, 2012, statement by ICE on DACA, which has now been accused of being the open-door policy. It is dated June 15, 2012. It says, come to the United States under the age of 16 and continuously reside in the United States for 5 years.

Chairman MCCAUL. Without objection, so ordered.*

Ms. JACKSON LEE. What child can imagine that they would fit under DACA? It is clearly an issue of devastating human smuggling and human trafficking, something that my colleague, my Chairwoman, Mrs. Miller and myself have looked at and included this language even in our authorization bills some few weeks ago.

So I ask these questions, as long as we can keep the facts. It is not an issue of the Wilberforce bill. It is not an issue of DACA.

It is a humanitarian crisis of huge proportions, and we have to deal with it. It is also a question of detention facilities, and, as well, the need for diplomatic interaction, as we have done with the crisis and the leaders of Guatemala, El Salvador, and Honduras. They are in crisis. They are violent.

I ask you about creating more processing centers, and as well, the Senate passed about a \$2 billion out of their Labor-HHS. Is this what you need, about \$2 billion to \$3 billion, to make sure we can respond to this?

I also ask if someone would address the question, and I thank the Border Patrol for the work they have done, the suggestions that there have been some form of abuse. I think we should not run away from challenges that have been made regarding the treatment of these children. I think we should be open. We want to make sure they have facilities. So, I would appreciate your response to those questions.

Secretary JOHNSON. Congresswoman, I will just answer quickly and then ask my colleagues if they would like to supplement.

In general, in response to your question, we need to identify and create more processing center space, more shelter space for HHS, before they place the kids, and more detention space for adults with children. We do not have a lot of detention space for family units.

So as a deterrent and to simply deal with the sheer numbers, we need to create more detention space for adults who bring their children. So that is one of our principal goals as part of this process.

I will ask Administrator Fugate or Chief Vitiello if they have anything they want to add?

Mr. FUGATE. No.

Secretary JOHNSON. Okay.

Chief VITIELLO. I would just add on the claims of abuse, my chief, the commissioner, and the Secretary have been very direct, and we are all focused on that issue. There is no room for abuse of detainees in custody, specifically children. Those matters will be taken up with the Office of Inspector General, and we will be fully

*The information has been retained in committee files and is available at <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>.

cooperative in all manner of getting to the bottom of those allegations.

Ms. JACKSON LEE. I am very glad to hear you say that publicly and openly, that we are not running away from it, we are investigating and we care about these children and we are gonna address this in the way that the United States has always done in a humanitarian crisis.

Thank you, Mr. Chairman.

Chairman McCAUL. The lady's time expired.

Ms. JACKSON LEE. I yield back.

Chairman McCAUL. I would remind the Members that the Secretary has to leave at 12:30, and I will strictly enforce the 5-minute rule.

The gentleman from Alabama, Mr. Rogers, is recognized.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Johnson, when you took office, do you believe that we had effective control of the border, our Southern Border?

Secretary JOHNSON. I recognized when I took office that we had some real issues in the Rio Grande Valley sector, in particular, with those coming from Guatemala, El Salvador, and Honduras.

Mr. ROGERS. Any areas of the border where we have a fence have we had children coming across?

Secretary JOHNSON. If you are referring to——

Mr. ROGERS. For example, around San Diego, the southern part of California?

Secretary JOHNSON. This has not been a big phenomenon in southern California or Arizona.

Mr. ROGERS. Any place we have had a fence, have we had 5-year-old children coming across the border?

Secretary JOHNSON. Not in very large numbers. It has got a lot to do with the fact that south Texas is so closely located to Central America, too. That is the migration path.

Mr. ROGERS. Well, let me ask, in the Rio Grande Valley, if we had the same sort of fencing we have along the southern border of California, do you believe these children would be coming across the border in the numbers they are coming across or anything close to it?

Secretary JOHNSON. It is hard to answer because you are talking about the Rio Grande River, which is a very——

Mr. ROGERS. Well, I have been there. I know what I am talking about. We don't have a fence down there, and, if we did, we wouldn't have 5-year-old children coming across.

You know, this Congress in 2006, because I was here, we authorized and appropriated the money for 700 miles of fencing. We have gotten most of that. But that was done in 2009. We haven't had any more since then. This is what we get for it.

Let me ask this. I have been down to Nogales, where they have the large detention facility, and I have seen the folks that we detained be debriefed, cleaned up, put on a bus, and sent back.

Why aren't we doing that with these children?

Secretary JOHNSON. Well, first of all, Nogales is being used right now as a processing center for the unaccompanied children. They are leaving Nogales and they are going to HHS custody for shelter and then placement.

Mr. ROGERS. Well, why aren't we putting them on a bus like we normally do and sent them back down to Guatemala?

Secretary JOHNSON. Because the law requires that I turn them over to HHS, sir.

Mr. ROGERS. Well, the law required Obamacare to be kicked in 2 years ago. That hasn't stopped the administration before when it wants to do something different.

This is a humanitarian crisis. It is a National security crisis for our country.

I don't know why these children are being treated any differently. You know, you talked a little while ago about trying to talk with the Guatemalan government about what we should be doing.

I think what you need to do is ask the Guatemalan government where they want these kids dropped off when the buses bring them back down there.

You know, what are we doing, other than taking them and putting them in a facility here, that is gonna make it more likely we will keep them here for months, if not years.

Tell me what we are doing to get them returned home.

Secretary JOHNSON. We are creating additional detention space for adults who bring their children. I am considering—I want to consider every option for stemming this tide, sir.

The law requires, the law that was created in 2008, requires that we turn these kids over if they are unaccompanied to the Department of Health and Human Services within 72 hours, generally, so that is what we do. But they are turned over with a notice to appear, that is, you know, effectively a deportation proceeding that has been commenced against them. But the law requires I turn them over to HHS.

Mr. ROGERS. Do you believe these are exigent circumstances?

Secretary JOHNSON. I believe these are exigent circumstances, yes.

Mr. ROGERS. Do you believe that the President should issue an Executive Order, due to these exigent circumstances, to deal with this crisis?

Secretary JOHNSON. I am not sure I can comment on that. Of what nature?

Mr. ROGERS. To supersede the law. I mean, this is not the first time the President has gone around the law—don't know why he can't do it with these children.

Secretary JOHNSON. Last time I looked an Executive Order can't supersede the law.

Mr. ROGERS. Well, that is what we thought, too. If we can find a way to get in front of the Supreme Court, we would resolve that.

But right now we have a crisis, and I don't see this administration doing anything about it other than trying to house the children. I understand the humanitarian basis for that.

But we need to send a signal to these other countries that it is not gonna work. You can't send your children up here and let them stay. We are gonna turn them right back and give them right back to you.

That is what I am looking for from you is a way for us to do that. That is the clearest signal to these parents to not send these children up to us in the future.

So, tell me what you can do, other than give them to HHS. Nothing? Have you called the National Guard out? Or asked for it?

Secretary JOHNSON. Like I said, I would like to consider every option that is presented. I went through in my prepared testimony the 12 or 13 steps we have taken to deal with the crisis, which includes building more detention space—

Mr. ROGERS. Well, that is once they get in here. The President—or the Speaker of the House last week called on the President to mobilize the National Guard to go down and give some relief to the Border Patrol and the FEMA in this crisis. Why can't you call on the President to do that?

Secretary JOHNSON. Well, sir, if you are asking me if I can take an unaccompanied child, turn him around on the border and send him right back to Guatemala, I don't believe the law would permit us to do that.

Mr. ROGERS. Thank you, Mr. Chairman. Yield back.

Chairman MCCAUL. The Chairman recognizes Mr. Higgins, from New York.

Mr. HIGGINS. Thank you.

Mr. Secretary, I just—we had an incident in Buffalo regarding facilities for undocumented and unaccompanied children in Grand Island, New York. A local developer offered to GSA a property that the local developer doesn't own and either represented that the property was vacant and available or Federal agents assumed that the property was vacant and available.

That offer of property made its way from GSA to HHS, and then finally to the Department of Homeland Security where three DHS agents showed up at the property unannounced, and upon their arrival, they realized the property wasn't vacant and wasn't available, and found it to be a 236-room functioning hotel and spa.

Now, it would seem to me that someone that represents that they own a property and knows anything about it and offers that property to the Federal Government for use under this program, some due diligence would have had to have occurred to verify either the assumptions or to refute the misrepresentations that were made.

Are you familiar with this? Can you offer any—

Secretary JOHNSON. I have been informed that somebody within DHS looked at a hotel in upstate New York, and we were quickly informed that it is an up and running, functioning, occupied hotel. So, obviously, it is not a viable candidate for this situation.

Mr. HIGGINS. Yes, but I think this misses the point. My real concern is that, you know, again, a local developer that doesn't own the property reaches out to a Federal agency, and it makes its way through one, two, three other Federal agencies, and Federal agents show up at the property and it is confirmed then that it could have easily been confirmed through some kind of Internet search, Google, that the property was not available. It just created a lot of confusion in the local community.

Secretary JOHNSON. Well, I imagine that's just some investigators being thorough. But as I mentioned, that property obviously is

not an option for—to deal with this situation. It is an up-and-running occupied hotel.

Mr. HIGGINS. Right. Well, it just seems to me that more due diligence could have, should have been exercised here before, you know, Federal agents were sent unannounced to a functioning hotel and spa facility for the purposes of housing unoccupied children that crossed the border.

I will yield back.

Chairman McCAUL. Thank the gentlemen.

I would like to remind the Members, the purpose of this hearing is to address unaccompanied minors crossing the border.

The Chairman now recognizes Dr. Broun, from Georgia.

Mr. BROUN. Thank you, Mr. Chairman.

Mr. Secretary, on January 29 of this year, the Department of Homeland Security issued a document, an ad actually, requesting people to apply for a job to accompany these children, these unaccompanied children, to be placed across the country. In that document, it said up to 65,000 kids.

So, back in January of this year, the Department already knew that these kids were coming, was actually trying to get contractors, independent contractors, to come on board to accompany these kids. At what point did y'all have a knowledge that there were going to be up to 65,000 children, unaccompanied children coming into this country?

Obviously, this is before January 29.

Secretary JOHNSON. Congressman, I have heard about this solicitation. I don't know where this estimate comes from or what it is based on, so I can't comment on the—

Mr. BROUN. Well, I didn't ask about the document, I asked about the—at what point did the Department project that there were going to be up to 65,000 children coming into this country?

Secretary JOHNSON. Well, like I said, I don't know where that estimate comes from. I have heard about this document, but I have never seen it. I don't know where the estimate comes from.

Mr. BROUN. Well, the point is, what have y'all done? If January, the Department understood that there were going to be up to 65,000 unaccompanied children coming to the United States, as a medical doctor, I try to prevent disease. I try to prevent problems with my patients. The administration should be doing the same thing.

If you knew that up to 65,000 unaccompanied children were going to be coming to this country, for Pete's sake, you should have been doing something about it. I don't see where this administration or the Department of Homeland Security has done anything.

Am I wrong?

Secretary JOHNSON. Very clearly. Since I have been in office, we have known that there is an issue of a rising tide of unaccompanied children coming into this country. I have known that since I have been in office for 6 months. The issue intensified, I would say, for me at least, in the period April or May.

In April, I asked my staff to develop an overall campaign plan for the Southwest Border, the Rio Grande valley in particular, to deal with the children and to deal with the rising tide of those com-

ing from Honduras, Guatemala, and El Salvador, adults and children. I saw this myself when I visited there in January.

Mr. BROUN. Mr. Secretary, I apologize for interrupting you, because I just have about 2 minutes left, and I have got a lot of questions. But the point is, nothing has been done except for just to get ready for these children to come. Is that correct?

Secretary JOHNSON. I have to disagree.

Mr. BROUN. Okay. Well, I would like to know what y'all have been doing to try to stop the flood. Because I believe that the administration policies is what has invited these kids to come here.

Now, I understand that these kids are being placed with family members across the country. I have seen some statistics that over 90 percent of these individuals, and you just said, that they were given a notice to appear, but 90 percent have actually absconded, and never been heard from again. How are you tracking and following up with these individuals if they don't show up in court?

Secretary JOHNSON. Well, I am not—I don't know where the 90 percent comes from. I do know that through HHS, we have a process to track the kids when they move. If they move with their—with the adult whose supervision that they are under, that HHS places them with, there is a process to track them. I inquired and I am told that there is—

Mr. BROUN. These kids have come here illegally. They have been lawbreakers already. You place them with families, and it is my understanding that some of these families may be illegal themselves? Is that correct?

Secretary JOHNSON. I am sure that is true in certain circumstances.

Mr. BROUN. Okay. So what is the Department doing to try to deport or deal with these families that are illegal in themselves? Then you have got another lawbreaker, and the kid—y'all should be following up.

I don't have but just a second or two, but who has told y'all—who has given the Department of Homeland Security the directive of not enforcing the law to deport people who are identified who are here illegally?

Secretary JOHNSON. Well, I would have to disagree with that characterization, sir. There are priorities for removal focused on public safety, National security, and border security. We have prioritized the enforcement of the law in that manner.

Mr. BROUN. Well, I disagree. It has been very obvious the President has been very public that he has said that he is not going to deport these illegal aliens, he is going—we don't even deport people who have broken the law and have committed felonies. I think this administration is inviting these kids, inviting illegal aliens to come to this country, and is—wants to give them legal status, and I find that intolerable.

Thank you, Mr. Chairman. My time has expired.

Chairman MCCAUL. The Chairman now recognizes the—Ms. Jackson Lee for the purpose of entering statements into the record.

Ms. JACKSON LEE. Thank you, I ask unanimous consent to submit the American Immigration Lawyers Association statement dated June 24, 2014. The statement of the Women's Refugee Commission, dated June 24, 2014, and finally, a *Washington Post* story,

“Young Migrants Stuck in Limbo on Mexican Border, Children Now Stuck Alone in Shelter Bases,” June 20, 2014. I ask unanimous consent.

Chairman MCCAUL. Without objection, so ordered.
[The information follows:]

STATEMENT OF THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

JUNE 24, 2014

The American Immigration Lawyers Association (AILA) submits this statement to the Subcommittee on Immigration and Border Security. AILA is the National association of immigration lawyers established to promote justice and advocate for fair and reasonable immigration law and policy. AILA has over 13,000 attorney and law professor members.

CURRENT HUMANITARIAN CRISIS

Contrary to the title assigned to this hearing, the escalation in the movement of unaccompanied alien children (UACs) is a regional humanitarian crisis born from the rapid growth in crime, violence, and poverty that has affected Mexico and several Central American countries for many years. In October 2011, the United States experienced a dramatic rise in UACs, particularly from the countries of El Salvador, Guatemala, and Honduras. The number of unaccompanied children apprehended by U.S. Customs and Border Protection (CBP) jumped from 17,775 in fiscal year 2011 to 41,890 in fiscal year 2013.¹ For the fiscal year 2014, beginning October 1, 2013 up through May 31, 2014, CBP has already apprehended 47,017 unaccompanied children just in the Southwest Border sectors alone.² The children making the difficult and treacherous migration journey are now younger than in years past (many under 13), and a higher percentage are girls.³

This humanitarian crisis affects not only the United States but the entire Central American region as well. The United States is the largest country in the region, with the most developed asylum and humanitarian protection regime. Hence, the greatest number of displaced individuals continues to seek asylum in the United States. Yet other countries in the region, in particular, Belize, Nicaragua, Panama, Mexico, and Costa Rica, have seen a striking 435 percent increase in asylum applications from El Salvadorans, Hondurans, and Guatemalans; an even more dramatic increase considering the small size of these nations.⁴

Drawing upon interviews with 404 children aged 12 to 17 who had left their home countries, the U.N. High Commissioner for Refugees (UNHCR) concluded that the “the children’s responses to the questions of why they left . . . were as complex as the children themselves.” The reasons most frequently cited by children—even by those who had a parent or family member with whom they wished to reunite—were domestic abuse within the home, gang and cartel violence, deprivation of basic survival necessities, and labor and sex trafficking.⁵ Violence and destabilization in these countries has grown in recent years due to the strength of transnational criminal actors (including gangs).⁶ In many cases, State actors are unwilling or unable to stem the violence.

UNHCR found that the majority of the children made statements indicating that they may well be in need of international protection. Children who migrate without an accompanying parent or guardian face a harrowing journey, during which they are often targeted for theft, sexual abuse, and abduction.⁷ Some may be lured by

¹ UNHCR Report, “Children on the run: Unaccompanied children leaving Central America and Mexico and the need for international protection,” May 2014. http://www.unhcrwashington.org/sites/default/files/UAC_Children%20on%20the%20Run_Full%20Report_May2014.pdf.

² CBP Border Patrol Statistics. <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.

³ “Obama creates group to help border crossing kids” June 2, 2014 <http://www.usatoday.com/story/news/nation/2014/06/02/obama-immigration-group-undocumented-children-border/9876003/>.

⁴ UNHCR, “Children on the Run”.

⁵ UNHCR, “Children on the Run”.

⁶ International Centre for the Human Rights of Migrants (CIDEHUM), *Forced Displacement and Protection Needs Produced by New Forms of Violence and Criminality in Central America*.

⁷ “Children traveling solo across U.S. border face dangerous trip.” June 4, 2014. <http://www.npr.org/2014/06/04/318733312/children-traveling-solo-across-u-s-border-face-dangerous-trip>.

false promises from smugglers or local media touting U.S. policies that do not exist or that cannot benefit them. But the root causes that make these children desperate to leave their home countries and seek a safe haven are indisputable. Given the severity of conditions in Mexico and these Central American nations, it would not be accurate to attribute the surge in child migration to any specific circumstances in the United States or actions taken by the U.S. Government.

The dramatic increase in the influx of UACs on the Southwest Border has raised speculation as to its cause, including accusations that DHS's Deferred Action for Childhood Arrivals (DACA) initiative or perceived weaknesses in the enforcement system have drawn more children to our borders. However, no one arriving in the United States after June 15, 2007 would even qualify for the DACA initiative, and it is well-known that human smugglers and traffickers spread rumors about non-existent immigration benefits, new laws, and opportunities to encourage people to make the journey to the United States. Such misinformation should be counteracted with better public information campaigns by the Government and credible non-Governmental organizations.

Claims that the President's enforcement policies are insufficiently robust ignore the overwhelming evidence that immigration enforcement has reached unprecedented levels under this administration. By early 2014, DHS will have removed 2 million people during the course of the Obama administration, at a time when net migration to the United States from Mexico is at or near zero and border crossings are at a 40-year low. Immigration detention rates continue to rise and now total about 430,000 individuals each year, at a cost of \$2 billion annually to American taxpayers. Federal criminal prosecutions of immigration-related offenses are at the highest point in history—up 468 percent from fiscal year 2003. The border is more secure than ever. Increased manpower, infrastructure, and technology on the border have resulted in heightened enforcement with record numbers. As a result, removals are happening more quickly than ever, often at the expense of due process. In 75 percent of all removals, DHS relied on summary procedures that allow enforcement agents to bypass the immigration court system.

Even more severe detention and deportation practices are not likely to change the desperate behavior of those fleeing from the violence, instability, and poor conditions in the sending countries. The current humanitarian crisis will only be solved when those factors are lessened, when gang violence is not an overriding fear, and when abuse and trafficking are not ever-present. Therefore, while the administration has taken important steps to provide necessary international assistance, its announced "surge" in resources to expand its capacity to detain families—including women and young children—is an inappropriate response. The announcement is particularly troubling given the recent history of family detention. In 2009, the administration ended the detention of immigrant families at the T. Don Hutto detention facility due to inhumane conditions and abuses. Revisiting this failed experiment would be a step backward. For families that cannot be released, alternatives to detention are extremely effective, far more humane and cost-effective than institutional detention, and would preserve America's core commitment to the protection of families. Moreover, a harsher system would undermine or even violate long-standing U.S. obligations to protect children and other vulnerable individuals and would greatly diminish America's status as a humanitarian leader.

U.S. PRINCIPLES ON PROTECTION

Welcoming and protecting the vulnerable and those fleeing persecution is a deeply-rooted American value that has defined our country since its founding and is firmly established in our laws. In 1968, the United States acceded to the 1967 U.N. Protocol Relating to the Status of Refugees, which extends the obligation of non-refoulement, or the duty not to return a refugee to a country where there is a risk that his or her life or freedom would be threatened on the basis of certain grounds—an obligation that was first enshrined in the 1951 Convention Relating to the Status of Refugees. Additionally, the United States is bound under the U.N. Convention Against Torture not to return an individual to a country where the person would likely face torture. In 1980, the United States enacted the Refugee Act to bring its laws into compliance with international law and has continued to be a leader in the area of asylum and refugee protections internationally.

The United States also has specific protocols for the treatment and protection of children that are guided both by U.S. immigration law and child welfare principles. Unaccompanied immigrant children are a highly-vulnerable population given their age, lack of English language skills, and the severe trauma many experienced before or after arriving in the United States. Significant numbers of these children may have been trafficked or are at risk of being trafficked. They commonly exhibit a com-

bination of physical, emotional, and other trauma symptoms and urgently need intensive case management services, such as counseling, medical care, and access to legal services while in custody.

Since the 1990s, the United States has followed guidelines that were established following the 1993 Supreme Court case, *Reno v. Flores*, 507 U.S. 292 (1993). These protocols govern the detention, release, and repatriation of UACs and require that there be adequate food, drinking water, and bathroom facilities as well as proper medical care for those in custody. Importantly, children are required to be separated from unrelated adults when held in custody and should be transferred to facilities more appropriate for juveniles, such as foster care homes, within 3 to 5 days.

In recognition of the vulnerability of child migrants, Congress passed several laws intended to protect UACs in Government custody: In 1990, Congress amended the Immigration and Nationality Act and created a special form of protection called “Special Immigrant Juvenile” status for abused, neglected, or abandoned children who are in the custody and care of a State or agency and who cannot be reunified with their parents.

The Homeland Security Act of 2002 (HSA) tasked the Department of Homeland Security (DHS) with the apprehension, transfer, and repatriation of UACs and the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) with their long-term custody, care, and placement. Upon apprehension, UACs from countries other than Mexico are placed into removal proceedings. While these proceedings are pending, they remain in ORR custody until a parent, legal guardian, or other suitable custodian can be found. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires that CBP transfer custody of UACs from countries other than Mexico or Canada to ORR within 72 hours, barring exceptional circumstances. For children from Mexico or Canada, the TVPRA requires that they be screened to determine whether they have a fear of persecution or have been trafficked. If they have not, and are determined to have made an independent decision to return, children from Mexico or Canada are returned across the border and are not taken into ORR custody.

For the past 2 decades, the existing system has managed an influx of between 5,000 to 20,000 UACs each year with numbers steadily rising since 2011. In response to the more dramatic increase in 2014, this spring the administration initiated a coordinated and comprehensive response to the crisis. First, the Secretary of Homeland Security declared a Level IV condition of readiness—the highest level of contingency planning within DHS, through which DHS personnel can be reassigned to assist in the emergency. The President then directed an interagency Unified Coordination Group to address the situation. Federal Emergency Management Agency (FEMA) Administrator Craig Fugate was appointed as the Federal Coordinating Official.

On May 30, the President’s Office of Management and Budget (OMB) sent a letter to the leaders of both the Senate and House Appropriations Committees showing that the projected costs of caring for and resettling child migrants from Central America could reach \$2.28 billion next year—well over double what the administration asked for in its fiscal year 2015 budget.⁸ On June 10, the Senate Appropriations subcommittee on Labor, Health and Human Services, and Education indicated that it would increase funding for the UAC program by \$1.03 billion in fiscal year 2015, bringing the total funding proposal to \$1.94 billion.

RECOMMENDATIONS

While the United States has made great strides in the last 20 years, the protection regime is still inadequate to meet the needs of those it is designed to safeguard. More must be done to ensure that the most vulnerable are protected. The United States can strengthen its overall protection regime, not only for UACs but for everyone who comes to our country seeking protection.

- *Ensure that children and other vulnerable populations are not exploited or abused in custody.*—While DHS has taken steps to shorten the length of time children spend in detention and improve the care and treatment of children, reports of abuse at the hands of agents and officers persist. On June 11, 2014, a group of civil, immigrant, and human rights organizations filed an administrative complaint on behalf of 116 children who had reported abuse and mis-

⁸“OMB: Child migrants to cost U.S. \$2.3 billion” May 31, 2014. <http://www.politico.com/story/2014/05/omb-child-migrants-107284.html#ixzz34XLyaHHV>.

treatment while in CBP custody.⁹ The complaint includes reports that children were shackled, subjected to inhumane detention conditions, had inadequate access to medical care, and were verbally, sexually, and physically abused.

This complaint follows a long history of reported abuse and highlights an urgent need to address the detention of children and other vulnerable populations. A report by the American Immigration Council shows over 800 complaints received by CBP from 2009–2012, including reports of inhumane detention, physical, verbal, and sexual abuse, including some by minors.¹⁰ AILA recognizes that most officers and agents perform their jobs professionally and do not engage in abuses. However, the administration should take these complaints seriously to ensure that the culture at CBP does not accept abuse. Abuse at the hands of immigration officers and agents compounds the trauma and abuse that many of these children have already suffered. Greater oversight and accountability is needed for CBP as it encounters and interacts with children, many of whom have fled violence and persecution in their home countries and are in the aftermath of a dangerous journey here. Short-term detention facilities must also be regulated and improved as they are the first stop for the children in the process.

- *Ensure adequate access to legal orientation programs and counsel.*—Children who are in detention should be given information about their rights, the U.S. immigration system, opportunities for relief, and the complaint process. Such orientation should be provided in a language and manner that is meaningful and age-appropriate to the child, and can be understood. Adequate funding and training should be in place so that each child is screened for vulnerabilities such as risk for trafficking as mandated.

Unaccompanied alien children, like other indigent persons appearing in removal proceedings, have no right to legal counsel paid for by Government. This compounds their vulnerability as they move through our Nation's complicated removal system. For asylum seekers, the lack of legal counsel contributes to the immigration court backlog, and to the prolonged state of uncertainty for many seeking protection in the United States. Six out of ten individuals, including asylum seekers, children, and mentally-ill respondents, appear before immigration courts without legal counsel. Children, even those who survived trauma or persecution or live in fear of return, are left to navigate our laws and to present their claims without any legal assistance when representation by an attorney is the "single most important factor" affecting the result in an asylum case.¹¹ Adequate consideration and resources should be given to facilitate the representation of asylum-seekers in immigration court.

AILA welcomes the announcement this month by the Department of Justice and the Corporation for National and Community Service of a new AmeriCorps partnership that will create 100 positions for AmeriCorps members to provide legal services and paralegal services to UACs in immigration courts starting next year. Planning for this program preceded the current crisis and will not likely be up and running until next year. For that reason it is unlikely to help resolve the immediate humanitarian crisis of migrant children.

- *Strengthen the U.S. protection regime.*—Core to America's leadership on the world stage is the strength and generosity of our humanitarian protections. Nonetheless, in many ways, our protections do not go far enough. Screening for trafficking, fear of persecution, and other vulnerabilities needs to be improved including through improvements in training, oversight, and redress procedures, particularly of CBP Officers and agents who play the critical role as the first contact for individuals coming to U.S. borders.

In response to the current crisis, some are calling for more rapid procedures to deport those who come. Any changes that further curtail due process would be a mistake as they are likely to jeopardize meaningful access to asylum and other humanitarian relief for children and families. Already DHS has dramatically increased the use of expedited removal and other summary removal procedures for those apprehended in the wide swath of land considered the border region. These procedures

⁹ Complaint to DHS OCRCL and OIG by National Immigrant Justice Center, Esperanza Immigrant Rights Project, Americans for Immigrant Justice, Florence Immigrant and Refugee Rights Project and the ACLU Border Litigation Project. <http://www.immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20DHS%20Complaint%20re%20CBP%20Abuse%20of%20UICs%202014%2006%2011.pdf>.

¹⁰ American Immigration Council. "No Action Taken: Lack of CBP Accountability in Responding to Complaints of Abuse" May 2014. <http://www.immigrationpolicy.org/special-reports/no-action-taken-lack-cbp-accountability-responding-complaints-abuse>.

¹¹ Jaya Ramji-Nogales, Andrew Schoenholtz & Philip Schrag, *Refugee Roulette: Disparities in Asylum Adjudication*, 60 Stan. L. Rev. 295, 340–41 (2007).

hinder meaningful access to present claims and to seek eligible relief. The United States cannot compromise humanitarian principles and must ensure that children and families who come are given an opportunity to present their case before an asylum officer or an immigration judge.

The solution to this humanitarian crisis will require a comprehensive and coordinated effort by the U.S. Government, foreign governments, and international and domestic non-governmental organizations. These steps will take time to develop and implement. In the mean time the United States cannot compromise its long-standing commitment to humanitarian principles including the protection of refugees and child welfare in the hope of finding a quick solution to a complex problem. In the past decade, other nations with fewer resources, such as Turkey, Lebanon, and Jordan have responded to huge migrations of people fleeing war or violence. The United States has called upon these and other nations to respect and honor their obligations to protect those who are vulnerable. Now is not the time for the United States to back away from its own principles.

STATEMENT OF THE WOMEN'S REFUGEE COMMISSION¹

JUNE 24, 2014

CURRENT HUMANITARIAN CRISIS

Since 2011, the Women's Refugee Commission has been closely monitoring the increasing number of refugee children coming to the United States to seek protection. Through our research, we concluded over 2 years ago that the United States would continue to receive more vulnerable migrants from Central America due to the regional humanitarian crisis born from the rapid growth in crime, violence, and poverty that has affected Mexico and several Central American countries for many years.² As we predicted, without major changes in U.S. aid or foreign policy to the Central American region, the danger to children and families with young children would only increase and more and more vulnerable populations would need to flee their homes. Unfortunately, our predictions rang true, and the United States, along with other countries in the region with a strong rule of law, has experienced a surge of refugees seeking protection on our territories. The United States, along with Panama, Belize, Nicaragua, and Costa Rica are experiencing a surge in people seeking protection and are faced with many challenges in ensuring the protection of these large numbers of children.³ The number of asylum claims in the entire region has increased by 712%.⁴

Beginning in October 2011, the United States has experienced a dramatic rise in unaccompanied alien children (UACs), particularly from the countries of El Salvador, Guatemala, and Honduras. The number of unaccompanied children apprehended by U.S. Customs and Border Protection (CBP) jumped from 17,775 in fiscal year 2011 to 41,890 in fiscal year 2013.⁵ For the fiscal year 2014, beginning October 1, 2013 up through May 31, 2014, CBP has already apprehended 47,017 unaccompanied children just in the Southwest Border sectors alone.⁶ Particularly concerning is that the children making the difficult and treacherous migration journey are now younger than in years past (many under 13), and a higher percentage are girls, many of whom arrive pregnant as a result of sexual violence.⁷

WHY THEY ARE COMING

There has been a great deal of research into the root causes of this surge of unaccompanied children fleeing the region. In 2012 we interviewed 161 children to find out why they were coming. In our interviews, the children reported to us that they

¹ This testimony has also been submitted to the House Committees on the Judiciary and Foreign Affairs.

² Women's Refugee Commission, *Forced from Home: The Lost Girls and Boys of Central America*, 2012. http://womensrefugeecommission.org/component/docman/?task=doc_download&gid=844.

³ UNHCR Report, "Children on the run: Unaccompanied children leaving Central America and Mexico and the need for international protection," May 2014. http://www.unhcrwashington.org/sites/default/files/UAC_Children%20on%20the%20Run_Full%20Report_May2014.pdf.

⁴ Id. <http://unhcrwashington.org/children>.

⁵ Id.

⁶ CBP Border Patrol Statistics. <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.

⁷ "Obama creates group to help border crossing kids" June 2, 2014 <http://www.usatoday.com/story/news/nation/2014/06/02/obama-immigration-group-undocumented-children-border/9876003/>.

were predominately being pushed from their homes due to rising violence and insecurity in their home countries. Moreover, almost every single child we spoke with reported having a good understanding of the dangers of trying to migrate through Mexico and into the United States without authorization. They knew of the risks of kidnapping, rape, and even death. The children we spoke with told us they felt like they would die if they stayed in their home country, and although they might die during the journey, they at least would have a chance.

In 2013, the U.S. Conference of Catholic Bishops traveled to Central America to interview children who had tried to migrate to the United States. Their report reaffirmed our findings that violence in the three countries of El Salvador, Guatemala, and Honduras was the overriding factor leading to the migration of these children.⁸ One mother they spoke with told them that she knew her son might die on his journey to the United States but she preferred that he die trying to find safety, then on her doorstep.

Most recently, in 2014, United Nations High Commissioner for Refugees (UNHCR) interviewed over 400 children who had left their home countries. Most children—even those who had a parent or family member with whom they wished to reunite—cited domestic abuse within the home, gang and cartel violence, deprivation of basic survival necessities, and labor and sex trafficking as the reasons for their migration.⁹ Most significantly, UNHCR found that the majority of the children made statements indicating that they may be in need of international protection.

There have been numerous reports and claims by Government authorities that many of these children or the family members who may try to help them migrate are being encouraged to undertake the dangerous journey by false promises from smugglers or inaccurate media reporting on U.S. policies that do not exist or that cannot benefit them. But it is impossible for us to dispute the root causes that make these children desperate to leave their home countries and seek a safe haven. No child or parent would agree to pay a dangerous smuggler to take a young child on such a harrowing journey if they did not feel it was the only option. No promise of a tenuous and temporary status in the United States, such as administrative closure or Deferred Action for Children Arrivals (DACA), would encourage someone to risk their lives, or risk the lives of their child. It is the underlying severe conditions in Mexico and these Central American nations that is forcing this migration pattern, not the lure of intangible reform.

Furthermore, the facts do not support that rumors or U.S. policy with respect to these populations is what is encouraging the migration. Nicaragua is the poorest country in the region. At the same time Nicaragua, like El Salvador, Honduras, and Guatemala, has a history of migration to the United States, resulting in many Nicaraguan children having family members in the United States. Yet, we have not seen any increase in the number of Nicaraguan children arriving at the Southern Border. The difference is that Nicaragua, as one of the safest countries in the region, is not experiencing the violence that is driving children from its three neighbors.

THE U.S. DETENTION AND TREATMENT OF UNACCOMPANIED CHILDREN

The United States has been a global leader in the way it has received and processed unaccompanied children seeking protection. Since 2002, in accordance with international protection standards, the U.S. Government has employed alternative models of detention for most children arriving on our shores who are waiting for adjudication of their immigration court processes. As noted in our 2008 report, *Halfway Home*, we believe the Government's movement to more child-appropriate custody models was an important advancement in the rights of these children and an effective way to enforce our immigration laws. Although not a perfect system, ORR shelters and programs have strived to ensure the Government considers the best interest of the child in detention, placement, and reunification decisions for the time a child is in deportation proceedings.

In recent months, the Government's intricate system of shelters, foster homes, and secure detention facilities has been overwhelmed by the numbers of children in need. In response, the Government has modified its procedures to meet the goal of appropriate detention and care of these children. Despite its best intentions, ORR has been unable to keep up with the demand on its resources. As a result we have seen children warehoused in border facilities that were never intended to hold children for any length of time until more appropriate arrangements can be made. We

⁸USCCB, Mission to Central America: the Flight of Unaccompanied Children to the United States, November 2013. <http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf>

⁹UNHCR, "Children on the Run".

have seen our Customs and Border Protection Agents, who have no special training on how to work with traumatized children, working overtime to screen and care for these children instead of carrying out other pressing law enforcement duties.

In our research, we have interviewed hundreds of children who have reported mistreatment, abuse, or neglect at the hands of U.S. Government officials during their detention. The most striking thing about these interviews is that despite unacceptable treatment, these children almost always remind us that they are still thankful to be in a country where they might have a future. Most recently, in June 2014, a group of civil, immigrant, and human rights organizations filed an administrative complaint on behalf of 116 children who had reported abuse and mistreatment while in CBP custody.¹⁰ The complaint includes reports that children were shackled, subjected to inhumane detention conditions, had inadequate access to medical care, and were verbally, sexually, and physically abused. Additionally, a recent FOIA by the *Houston Chronicle* identified more than 100 incidents of sexual abuse of children in ORR shelters that were never referred for further criminal investigation. The numerous reports and complaints of abuse of children in immigration custody highlight a need to address the oversight of places of detention where children are held.

The United States must remember that severe detention conditions have never been a deterrent against unauthorized migration anywhere in the world. Holding children in Border Patrol stations for up to 2 weeks and denying them adequate nutrition or recreation only serves to harm them, not dissuade more from coming. Harsh detention or deportation proceedings will not stop this migration flow, it will only violate long-standing U.S. protections afforded to children and other vulnerable migrants and greatly diminish America's status as a humanitarian leader.

U.S. DETENTION AND TREATMENT OF MIGRANT AND ASYLUM-SEEKING FAMILIES

Not all children arriving at the border are unaccompanied. Children also come to the United States with their parents. Since 2012, the number of families arriving at the Southern Border of the United States has increased significantly. They are fleeing the same violence driving the unaccompanied children.

The vast majority of families arriving at the border are made up of women with very young children. Almost all are asylum seekers fleeing violence, including gang violence, organized crime, and domestic violence. Just like unaccompanied children, the majority of families come from Honduras, Guatemala, and El Salvador. The journey for these families, just like that for unaccompanied children, is extremely perilous. The Women's Refugee Commission has interviewed hundreds of women in detention, and the women we have spoken to universally tell us that they were well aware of the risks before fleeing their homes. No mother makes that trip with her young children or baby unless she feels she has no other choice.

In 2001, as part of the overall increase in immigration enforcement and in an effort to deter family migration, the United States began detaining families, first at a converted nursing home in Leesport, PA and later at a prison in Taylor, Texas. In 2009, Immigration and Customs Enforcement (ICE) stopped using that prison—the by then notorious T. Don Hutto facility—to detain families after a firestorm of opposition¹¹ and a lawsuit that was filed by the ACLU and University of Texas. When the Women's Refugee Commission visited Hutto, we found conditions that were wholly inappropriate for children and families and in violation of the Flores Settlement Agreement governing the immigration detention and custody of children.

As documented in our 2007 report on family detention, “Locking Up Family Values: The Detention of Immigrant Families,” young children at Hutto were clothed in prison jumpsuits and had catatonic expressions on their faces. Mothers were brought to tears by the simple question, “How are you?” Families slept in freezing cold prison cells, next to toilets without a privacy curtain to separate the sleeping and hygiene areas. The families were confined to their cells for up to 12 hours a day. Children received only 1 hour of education a day, and were only allowed to go outside for short periods of time—on the days guards were in the mood. Pregnant

¹⁰ Complaint to DHS OCRCL and OIG by National Immigrant Justice Center, Esperanza Immigrant Rights Project, Americans for Immigrant Justice, Florence Immigrant and Refugee Rights Project and the ACLU Border Litigation Project. <http://www.immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20DHS%20Complaint%20re%20CBP%20Abuse%20of%20UICs%202014%2006%2011.pdf>

¹¹ For more information on the use of family detention in the United States and the T. Don Hutto facility conditions see “Locking Up Family Values: The Detention of Immigrant Families”, Women's Refugee Commission and Lutheran Immigration and Refugee Service, 2007. <http://wrc.ms/Ye9KnE>.

women were denied adequate access to medical care and did not have enough food to eat.

Perhaps most disturbing was the fundamental breakdown in family structure that detention created. Guards would threaten parents that if they didn't keep their children in line, the family would be separated. Parents turned to strict discipline to make sure their children behaved—leading children to react with anger at their parents and eroding trust that their parents were able to take care of them.

It would have been prohibitively costly and all but impossible for ICE to retrofit the facility to make it suitable for children. The Government's only realistic option for complying with the terms of the Hutto Settlement was to close the facility for families. In doing so, DHS acknowledged that it is extremely difficult and costly to detain families in a manner that is appropriate for children and complies with U.S. and international law. Contrary to concerns at the time, family arrivals did not increase after this shift in policy. The increase in arrivals did not begin until 3 years later when conditions of violence in Central America became more pronounced.

Following the closure of Hutto to families, ICE continued to detain families at the Berks Family Residential Facility in Leesport, Pennsylvania. This facility, which has been renovated to meet the unique needs of this population, has the capacity to house 96 individuals. In addition, ICE uses a variety of alternatives to detention for families, including supervised release, bond, and parole. Both the Berks facility and the use of Alternatives to Detention meet the terms of the Flores Settlement Agreement, which sets out National policy for the detention, release, and treatment of all children who are in the custody of DHS. Flores requires DHS to place children in the least restrictive setting appropriate to the children's needs pending the outcome of their immigration removal case.

All families who are apprehended by Customs and Border Protection (CBP) or ICE receive Notices to Appear. Those who are not in custody, including those who are in Alternatives to Detention, are required to check in with ICE regularly, and to appear in immigration court. Despite reports of rumors that families who arrive in the United States are given a free pass (or a "permiso") to enter and stay, every family who is apprehended is required to appear in immigration court and is formally placed in removal proceedings.

Alternatives to detention have been shown to be 96% effective in ensuring appearance in immigration proceedings. They are also significantly less expensive than detention, and far more appropriate for families with children. Families should be accorded special consideration befitting their unique vulnerabilities and circumstances. We are deeply concerned by the Government's recent announcement that it will drastically expand the detention of families and will expedite the processing of asylum cases. These policies endanger the well-being of children and families and present a risk that families with legitimate claims to asylum and other forms of protection will be summarily returned to countries where their lives are at risk. As history demonstrates, the detention of families and the denial of their basic human rights is inhumane, costly, and harmful to the well-being of children.

RECOMMENDATIONS

The United States has long been a global leader in the promotion of human rights and the provision of protection for those fleeing persecution. Not only have we led by example in the past, we also hold others accountable to receive refugees in times of crisis. Now is the time to reaffirm and stand by our principles. The solution to this humanitarian crisis will require a comprehensive and coordinated effort by the U.S. Government, foreign governments, and international and domestic non-governmental organizations. While this is being implemented, the United States must not compromise its long-standing commitment to humanitarian principles, including the protection of refugees and child welfare, in the hope of finding a quick solution.

We have the tools we need. The answer is not to turn on our backs on those arriving. Rather we must address root causes to prevent vulnerable populations from having to make the difficult decision to flee their homes and at the same time treat migrants humanely and support our infrastructure to process cases through our immigration court efficiently and fairly so that those who need protection receive it.

Foreign Assistance

- Address root causes of this migration flow by investing in development, justice, and accountability programs in the three countries from which the majority of children and families are coming.
- Conduct repatriations in a safe manner and support reintegration programming so that children and families are not just thrust back into the same dangerous situations that forced them to flee in the first place.

- Partner with countries in the region to crack down on traffickers and smugglers who are preying upon migrants and bringing many of the children and families across the border.
- Provide support to governments in the region who are also receiving migrants in order to strengthen and implement internationally compliant protection systems.

Emergency Shelters and Detention

- Ensure that detention facilities used for immigration compliance purposes are only used as a last resort and for the shortest time possible. Any detention facilities used to house adults with children must be equipped to handle the unique needs of this population and must comply with the Flores Settlement Agreement, the Family Residential Standards, and relevant terms of the Hutto Settlement Agreement.
- Expand the use of cost-effective alternatives to detention, including community support programs, for families and other adult migrants. Alternatives to detention, such as community support programs, electronic monitoring and ankle bracelets, have been proven to be 96% effective in ensuring that people appear for their immigration hearings and comply with court orders.
- Ensure that no one is exploited or abused in custody. CBP should immediately create public, enforceable standards for its short-term hold facilities; PREA and all relevant custody standards and protections must be fully implemented in ALL DHS and HHS custodial situations; DHS and HHS should allow civil society to regularly and thoroughly monitor conditions in their facilities, including emergency and short-term facilities.
- Ensure that all persons in immigration custody are given information about their rights, the U.S. immigration system, opportunities for relief, and the complaint process. For unaccompanied children, such orientation should be provided in a language and manner that is meaningful and age-appropriate to the child, and can be understood.
- Ensure that Know Your Rights presentations or Legal Orientation Presentation Programs (LOP) are available in all facilities housing child, families, or adults, including short-term and emergency facilities.
- HHS must provide resources to adult sponsors of all released children so that they are aware of their obligations and can ensure that children comply with immigration court requirements. Some children may have relief under current immigration law and others may be returned to their home country after full proceedings that respect due process.
- HHS should expand post-relief services to ensure that children who are released to families or sponsors are safe and appear in immigration proceedings. Like alternatives to detention, post-relief services are more cost-effective and more humane than detention, and serve to ensure compliance with court proceedings.

Immigration Courts and Protection Mechanisms

- Provide sufficient funds and support to effectively resource immigration courts and asylum officers to eliminate the backlog and process cases effectively, efficiently, and fairly. Adequate funding and training should be in place so that all children and their parents receive screening for international protection concerns.
- Afford everyone seeking refuge in this country full protection under U.S. and international law. There should be no exceptions for any child, family, or refugee seeking protection. Ensure due process and a meaningful opportunity to access protection mechanisms. Screenings must take into account the traumatic experiences of those fleeing. In many cases, people fleeing rape, abuse, and other violence are too traumatized to recount intimate details, particularly if they are still in detention. Expedited screenings must not become a tool to repatriate people back to dangerous situations.
- Maintain and improve upon the protections currently extended to children, families, and other migrants seeking asylum seekers and other forms of protection to ensure that migrants with legitimate claims are not returned to violence and abuse. The United States' threshold for protection is already in many ways less welcoming and protective than international standards. The United States must ensure that any new attempts to expedite removals do not further erode these protections. This crisis provides an opportunity to strengthen our overall protection regime, not only for unaccompanied children and families, but for everyone who comes to our country seeking protection.
- Support and expand the provision of legal assistance for children, including both appointed counsel and the facilitation of pro bono representation through

the private sector. The provision of attorneys for these children will make the system more efficient and effective, and ensure that more children comply with proceedings. Children with attorneys are more likely to appear for their court dates than children without as they have help understanding the system and learning what relief they may or may not be eligible for. Child advocate or guardian ad litem programs are also critically important for the most vulnerable children.

- Adequate consideration and resources should be given to facilitate the representation of children and adults in immigration court through support of pro-bono representation programs.

Reform our immigration laws

- Pass comprehensive immigration reform that puts migrants in the United States on a pathway to citizenship and reduces backlogs and waiting times in the family visa process that encourages unlawful migration.
- Include in any reform package a mechanism by which parents who are eligible for a legalization program can bring their children to join them in a safe, lawful, and timely manner.

ARTICLE SUBMITTED BY HON. SHIELA JACKSON LEE

YOUNG MIGRANTS STUCK IN LIMBO ON MEXICAN BORDER

By Joshua Partlow and Nick Miroff, June 20, 2014.



Brayan Duvan Soler Redondo, a 14-year-old Honduran boy, overlooking the Rio Grande. He is staying at a migrant shelter in Reynosa. He is traveling alone and trying to get to the United States to find work to help his family. (Joshua Partlow/ The Washington Post)

REYNOSA, Mexico.—Susanna Torres was a dimple-cheeked preteen living lonely with her stepmother in El Salvador—her father had disappeared, her mother was on Long Island, N.Y.—when she hatched her plan.

For three years, she secretly socked away the money her mom sent for school until she had \$6,000. It was enough to hire a smuggler and join the underground network of buses and train tops, through jungles and deserts.

She had one thing in mind when she left in her freshman year of high school to travel 1,400 miles north to the United States by herself.

“I wanted to be with my mom,” she said.

Instead, she found herself on the banks of the Rio Grande in early June, too exhausted to walk on. She ended up behind coils of razor wire in a home for child migrants run by the Mexican government, watching “Ice Age” on DVD as she waited to be deported.



Sudden surge in unaccompanied children at border

As migrants stream north from Central America, thousands of children such as Susanna are ending up alone and adrift in a border-land limbo. On the U.S. side, they are being crammed into Border Patrol stations designed to detain and deport single males, not provide food and care for third-graders without their parents. On the Mexican side, they are bunking down in the rough world of church shelters, surrounded by sunburned men heading north for work or reeling from deportation.

“Right now I’m small, but I’ve heard they’re giving minors the opportunity to work in the U.S.,” said Brayan Duvan Soler Redondo, a 14-year-old Honduran boy who has spent the past two weeks alone in a shelter here in Reynosa. “I have to trust in God to get me to the other side.”

The surge of juveniles across the Rio Grande in south Texas is a new challenge for U.S. immigration policy and the debate in Washington about whether to change it. Although the overall number of illegal migrants arrested along the southern U.S. border is still far lower than the 900,000 per year or more apprehended before 2006, U.S. agents are ill-equipped to deal with so many Central Americans, let alone children.

In the past, border cities on the Mexico side have been more likely to have large groups of deportees on their streets—not child travelers on their way north—as illegal immigration from Mexico plummeted to its lowest levels in 40 years. Shelters became filled with anxious fathers kicked out of the United States, desperate to swim the river or hike the desert at night to get back to jobs, wives and U.S.-born children.

The children and mothers coming now from Guatemala, El Salvador, and Honduras are different. In many cases, they appear to be heading north to reunite with parents or husbands already in the United States. Some are being summoned by relatives because of rumors that the United States is offering “permits” for women and children to stay. The children, as young as 4, often arrive with no legal guardian but carry handwritten notes for the Border Patrol with relatives’ phone numbers.

To avoid the sweltering Texas heat, the border-crossers are fording the Rio Grande in large groups in the early evening, wading through shallow crossings or floating over in cheap dinghies. They follow dirt paths through cottonwood groves up to the levee roads where Border Patrol vehicles are parked every night, waiting. “Sometimes they’ll come right up and knock on your windows,” said Chris Cabrera, an agent and Border Patrol union spokesman.

On one recent evening, a group of 15, including a woman with a baby strapped to her back and seven other children, emerged from the brush and climbed up the levee. They waited on the gravel road for the Border Patrol trucks to arrive, making no attempt to flee or hide.

The U.S. government is giving rare access inside the facilities where thousands of unaccompanied immigrant children are being held after they were caught crossing the border from Mexico. (AP)

"Are there any unaccompanied minors?" one border patrol agent asked in Spanish, as he took down names and nationalities. "Who came alone?"

A thin boy in an Aeropostale T-shirt raised his hand.

More children are on their way. A draft of an internal Border Patrol memo for the White House from last month estimated that the number of unaccompanied minors detained by the border patrol will reach 90,000 this year, higher than expected, and rise to 142,000 next year. President Obama has declared a humanitarian crisis and pledged \$2 billion to build temporary housing for the new migrants. Thousands of unaccompanied children picked up by Border Patrol are being held on military bases and in converted warehouses if they don't have parents or guardians who can claim them.

Texas Attorney General Greg Abbott (R) requested \$30 million from the Department of Homeland Security on Thursday to send more law enforcement officers to the border, because children have "so overwhelmed the U.S. Border Patrol that federal agents are devoting time and resources to the humanitarian aspects of the influx, and are not available to secure the border and successfully stop criminal activity," his office said in a statement.

For those detained by Mexican authorities before they reach the United States, many will be deported. Some of these children await removal at the Attention Center for Border Minors, a government-run shelter in Reynosa, where as many as 400 children arrive each month.

"The majority of their parents are already in the United States. That's the main reason the children are coming," said José Guadalupe Villegas García, the organization's director, who said he thinks U.S. immigration rules have gone lax. "This was something President Obama ordered."

Maynor Delgado, a 16-year-old from Guatemala, has spent 84 days at the shelter, watching TV and making bracelets to pass the time, calling his family on Fridays, unsure whether he will be deported or released. "I don't know how my papers are," he said.

His parents gave him \$7,000 to pay a guide and join five others—none of them relatives—on the journey from his home town of Quetzaltenango, an 11-day trek by taxi, train and bus, with stays at crowded stash houses and campsites, eating occasionally and sleeping on the ground. He has an older brother in Washington and wanted to join him to help support his parents.

"My family is poor. My mom washes clothes," he said. "I'll do whatever I can find."

On his journey north, Brayan, the Honduran boy, parted ways with his elder brother after a fight over money. Left on his own, Brayan said he begged for food and rides along the way, until he arrived at a church in Reynosa, and eventually to Path of Life, a private migrant shelter. "I'm traveling with empty pockets," he said, patting his shorts. "Zero."

He has no money to pay for a guide across the river and is afraid to venture out into city streets controlled by the kidnapping and drug-trafficking cartel.

"I have no idea how long I'm going to be here," he said.

Susanna Torres's mother, Rosa, a 39-year-old nursing-home employee in Huntington, Long Island, didn't know until she received a phone call this month from the Mexican shelter that her daughter was traveling to find her. "I had no idea," she said. "I was very worried."

She has talked with a lawyer about her daughter's chances of being with her and her two other children in the United States but was told it's a "slow process."

"I want to be with my daughter, but there's nothing I can do," she said. "To be with your kids is the most important thing in life. I only ask God that he protects her."

David Nakamura in Washington contributed to this report.

Chairman MCCAUL. Mr. O'Rourke from Texas is recognized.

Mr. O'ROURKE. Thank you, Mr. Chairman. I would also ask unanimous consent to submit for the record a statement from the First Focus Campaign for Children regarding the issue facing migrant children and families.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

STATEMENT OF FIRST FOCUS CAMPAIGN FOR CHILDREN

JUNE 24, 2014

Chairman McCaul, Ranking Member Thompson, and Members of the Committee on Homeland Security, we thank you for the opportunity to submit this statement for the record for this hearing entitled “Dangerous Passage: The Growing Problem of Unaccompanied Children Crossing the Border.”

The First Focus Campaign for Children is a bipartisan advocacy organization dedicated to making children and families a priority in Federal policy and budget decisions. As an organization dedicated to promoting the safety and well-being of all children in the United States, we urge Congress to work towards finding comprehensive solutions to address the Central American child migration crisis that prioritizes the best interest of the child and addresses both the immediate needs of the children who have recently entered the United States as well as the root causes of their forced migration.

There is no doubt that the recent influx of unaccompanied children across the Southern Border represents a humanitarian crisis. Recent data from the Department of Homeland Security (DHS) reveals that since October 1, 2013, 47,017 children have entered the United States, with the majority coming from Mexico, Honduras, El Salvador, and Guatemala and a significant increase in the number of girls and young children.^{1,2} According to a recent report by the U.N. High Commissioner for Refugees (UNHCR), the majority of the children are escaping extreme violence and instability in their home countries, spurred by drug traffickers and increased gang activity.³ While some children are also motivated by domestic abuse, extreme poverty, high unemployment rates and hopes of reunifying with family members in the United States, the vast majority are fleeing desperate situations which force both youth and their families to make the very difficult decision to stay and accept near certain death or risk “probable death” by migrating to surrounding countries. On their arduous and dangerous journey, many children fall victim to trafficking, sexual abuse, and violence. In fact, UNHCR estimates that nearly two-thirds of the unaccompanied minors they interviewed qualify for international protection due to violence and abuse in their home countries.⁴

These children are some of the most vulnerable, and yet despite their hope of finding protection and safety in the United States, they are faced instead with a complicated immigration system that does not reflect their specific needs. After apprehension and screening by Customs and Border Patrol (CBP), children are held for up to 72 hours in detention centers that are frequently not equipped to meet children’s needs and lack personnel who are trained in working with traumatized children. A recent lawsuit by the ACLU and other civil rights groups against CBP cited over 100 instances of abuse and maltreatment of unaccompanied children in CBP custody, including freezing cold cells, inadequate access to food or medical care, and incidents of physical and sexual abuse.⁵ Upon release from CBP, children are either immediately repatriated to their home country or referred to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) to be placed in shelter care or released to a parent, relative, or other sponsor pending the outcome of their immigration hearing. All unaccompanied children are placed into removal proceedings, and must undergo the same immigration process as adults. Despite their age, even children as young as 2 years old are not appointed legal counsel, forcing them to undergo proceedings alone or rely on the limited pro bono representation provided by non-profit organizations.

CONCERNS WITH THE CURRENT FEDERAL RESPONSE

We recognize that the administration has taken several steps to address the unprecedented surge in child migrants, including creating an interagency Unified Coordination Group led by the Federal Emergency Management Agency (FEMA) to

¹ Southwest Border Unaccompanied Children, U.S. Customs and Border Protection (April, 2014) <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.

² Children on the Run: Unaccompanied Children Leaving Central American and Mexico and the Need for International Protection, UNHCR (2014).

³ Julia Preston, *New U.S. Effort to Aid Unaccompanied Child Migrants*, *New York Times*, June 2, 2014 Available at: http://www.nytimes.com/2014/06/03/us/politics/new-us-effort-to-aid-unaccompanied-child-migrants.html?_r=1.

⁴ Children on the Run: Unaccompanied Children Leaving Central American and Mexico and the Need for International Protection, UNHCR (2014).

⁵ Unaccompanied Alien Children Report Serious Abuses by U.S. Officials During Detention. American Civil Liberties Union, June 11, 2014. Available at: <https://www.aclu.org/immigrants-rights/unaccompanied-immigrant-children-report-serious-abuse-us-officials-during>.

deal with the emergency situation and announcing a new “justice AmeriCorps” program, launched in partnership by the Department of Justice (DOJ) and the Corporation for National and Community Service.^{6,7} Last week, the administration also released a plan to increase foreign aid to the Mexico, Guatemala, El Salvador, and Honduras, with a focus strengthening citizen security, gang prevention, youth development, public policy campaigns, and reintegration and repatriation program.⁸ The plan also includes increased enforcement measures, including increased resources for expediting the removal proceedings of families and placing families and children in family detention centers. We believe that the administration’s belated response continues to fall short of meeting the needs of these extremely vulnerable children, especially given that the projections for the current influx have been available since early this year. Thus, we urge the administration to devote more resources and engage more stakeholders with expertise in child welfare in both the short- and long-term response to this crisis. The following are some specific concerns we have with the administration’s response to date:

- Appointing FEMA to be the lead of the emergency response and utilizing large institutional shelters may be a short-term necessity, but FEMA lacks the expertise in dealing with the long-term, unique needs of these child refugees. We are also gravely concerned regarding the conditions in the border detention centers as well as the large emergency-style shelters in which thousands of children are currently being housed. HHS announced that \$350 million would be awarded in grants for shelters to house and provide services for unaccompanied children, and currently three military bases are being used for this purpose, including Lackland Air Force Base (San Antonio, Texas), Naval Base Ventura (Oxnard, CA), and Fort Sill (Oklahoma).⁹ Research has consistently shown that large institutional settings are not appropriate for children, particularly for those who have experienced trauma and have special needs.¹⁰
- We are concerned with recent changes by the ORR to expedite the release process of unaccompanied children to potential sponsors by waiving the fingerprint checks for sponsors claiming children over the age of 12 and for sponsors who are parents or legal guardians. While we support placement in community-based settings over shelter care, we are concerned that policy changes that weaken the screening process for potential sponsors may put children at risk, particularly given the extremely limited follow-up services.
- Recent data released by the DHS on the number of unaccompanied children who have been apprehended include a significant number of Mexican children, the majority of whom are being returned rather than referred to ORR. Prior to passage of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, Mexican children apprehended at the border were often immediately returned to Mexico while Central American children and those from other non-contiguous countries were automatically referred to ORR. While the TVPRA of 2008 required CBP to follow a new process to screen for certain vulnerabilities before repatriating Mexican children, the number of Mexican children referred to ORR remains relatively low given the high number of children apprehended. Given that CBP lacks sufficient training to appropriately screen children, significant concerns remain that many Mexican children who may be victims of trafficking or have other humanitarian concerns continue to fall through the cracks.
- While the new legal aid program “justice Americorps” is step in the right direction to address the critical need to provide legal representation to unaccom-

⁶The Department of Justice (June, 6, 2014) Justice Department and CNCS Announce New Partnership to Enhance Immigration Courts and Provide Critical Legal Assistance to Unaccompanied Minors [press release]. Retrieved from <http://www.justice.gov/opa/pr/2014/June/14-ag-609.html>.

⁷The White House, Presidential Memorandum—Response to the Influx of Unaccompanied Alien Children Across the Southwest Border, June 2, 2014. Available at: <http://www.whitehouse.gov/the-press-office/2014/06/02/presidential-memorandum-response-influx-unaccompanied-alien-children-acr>.

⁸White House Fact Sheet. Unaccompanied Children from Central America. June 20, 2014. Available at: <http://www.whitehouse.gov/the-press-office/2014/06/20/fact-sheet-unaccompanied-children-central-america>.

⁹U.S. Department of Health and Human Services. Administration for Children and Families. *Residential Services for Unaccompanied Alien Children*, Office of Refugee Resettlement, HHS-2015-ACF-ORR-ZU-0833, June 6, 2014. Available at: <http://www.cnscnews.com/sites/default/files/documents/HHS%20Grant%20Illegal%20minors.pdf>.

¹⁰Dozier, M., Kaufman, J., Kobak, R., O'Connor, T.G. Sagi-Schwartz, A., Scott, S., Shaffer, C., Smetana, J., van Ijzendoorn, M.H., Zeanah, C.H. “Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association.” *American Journal of Orthopsychiatry*, 84.3 (2014): 219–225.

panied children, we have concerns with the limited experience of the lawyers, the 1-year service period, and the restrictions to providing counsel to youth 16 and older, who are at the greatest risk losing their right to humanitarian relief upon reaching the age of 18.

- The administration's recent decision to dedicate resources to expedite removal proceedings for children families as well as open family detention centers place is a misguided plan with grave consequences. The administration ended the policy of family detention in 2009 with the closing of the T. Don Hutto detention facility in Texas due to the public outcry concerning the conditions families and children were subjected to in such settings.
- The increase in U.S. foreign aid that was recently announced for Mexico, Honduras, El Salvador, and Guatemala is insufficient to fully address the violence and instability in the region that are causing children to flee. While the administration noted that aid is intended to address the increased violence in the region, there was insufficient mention of the need to fund efforts to mitigate the dangers posed by drug traffickers and smugglers in the region. Rather than use resources on public awareness campaigns to clarify current U.S. immigration policies, more funding should be targeted to addressing the extreme violence and desperate situations that are driving children and families to flee.

RECOMMENDATIONS

We urge both Congress and the administration to hold the best interest of the child paramount in all solutions that are being developed to address this crisis. The following are specific recommendations from the First Focus Campaign for Children, many of which were included in the plan presented last week by Senators Robert Menendez (D-NJ), Dick Durbin (D-IL), Mazie Hirono (D-HI), and Representatives Luis Gutierrez (D-IL) and Lucille Roybal-Allard (D-CA).

- All the Federal agencies that deal with unaccompanied children, including DHS, DOJ, and HHS should adopt a best interest of the child standard to guide all decisions made regarding the care of unaccompanied children as well as their eligibility for humanitarian relief.
- Congress should increase funding levels to HHS, DHS, DOJ, and other relevant agencies so that adequate resources are available to ensure that children are receiving proper treatment and services that reflect their unique needs and vulnerabilities. On June 10, 2014, Senator Harkin introduced a bill that provides \$1.94 billion to HHS to address the surge of unaccompanied children. The Labor-HHS bill with this provision has been approved by the sub-committee but is pending passage by the full Senate Appropriations Committee.¹¹ Congress should move quickly to approve this bill.
- CBP should contract with child welfare experts to screen children along the border so that children are properly evaluated for trafficking and other humanitarian concerns and connected to services.
- DHS and HHS/ORR should ensure that temporary CBP holding facilities and emergency shelters meet the required humanitarian standards for children set forth in the *Flores v. Reno* settlement and the TVPRA and codify these standards in DHS regulations.¹² The Flores Settlement, born out of a class action brought by the ACLU against the INS sets standards of how a minor in the custody of the INS should be treated. It stipulates that facilities will provide access to toilets and sinks, drinking water and food, medical assistance, adequate temperature control and ventilation, adequate supervision of minors, and contact with family members. Likewise, family detention centers should not be reopened; rather, effective alternatives to detention should be used whenever possible for families.
- ORR should ensure that children are placed into community-based care whenever possible, including placement with parent or relative sponsors, and strengthen screening mechanisms for sponsors to ensure children are being placed in safe and appropriate settings. When community-based care is not an option, children should be placed in proper facilities and other settings that are adequately equipped to meet the medical, mental health, and other special needs of children, as well as pregnant and parenting teens, rather than placing children in large institutional settings.

¹¹Erik Wasson, *Senate to provide 1.9 billion for rise in child migrants*, *The Hill*, June 10, 2014. Available at: <http://thehill.com/policy/finance/208840-senate-toprovide-19b-to-handle-spike-in-child-migrants>.

¹²Stipulated Settlement Agreement at 7, *Flores v. Reno* (1997). Available at: <http://immigrantchildren.org/cases/FLORES%20CASE/Flores%20Procedural%20Docs/FloresStpltd-Setlmt%20AGMT.pdf>.

- ORR should strengthen and significantly expand the follow-up services provided to children and their sponsors once they are released from Federal custody to ensure their safety and well-being.
- All unaccompanied children placed into removal proceedings should be provided legal representation and child advocates to increase their chances for obtaining immigration relief and to ensure consideration of their best interests. Congress should pass The Vulnerable Immigrant Voice Act of 2014 by Congressman Jeffries, which would address the dire need for unaccompanied children to have access to legal counsel. The new Federal “justice Americorps” legal services grant should also be modified so that it includes 16- and 17-year-old youth who risk losing their eligibility for immigration upon reaching the age of 18.
- The Department of State, in partnership with over relevant Governmental and non-Governmental agencies in the United States and in the sending countries, should develop a program focused on the safe and successful repatriation and reintegration of children that are returned to their home countries.
- Foreign aid should be targeted to address the instability and violence being caused by drug traffickers and smugglers in Honduras, Guatemala, El Salvador, and Mexico and a comprehensive strategy in partnership with governments in the region should be developed that is focused on restoring children’s safety, rights, and opportunity in their home countries.
- Congress should establish a bicameral and bipartisan committee focused on developing strategies to meet the needs of child refugees and address the root causes of the child migration crisis.

We thank you again for the opportunity to submit this statement for the record. We look forward to working with Congress in the weeks ahead to find solutions to address the short- and long-term needs of these vulnerable children who are in dire need of protection and assistance. Should there be any questions regarding this statement, please contact Wendy Cervantes, Vice President of Immigration and Child Rights.

Mr. O’ROURKE. Mr. Secretary, I want to thank you for your testimony so far today. Everything that you have done so far to address the issue that we are discussing in today’s hearing, and I would also like to commend through you your director in El Paso for ICE, Adrian Macias and your assistant director, Jesus Piacencia.

There have been not unaccompanied alien children, but migrant families transported from the Rio Grande valley to El Paso. Hundreds of them so far. More plane loads coming in this week. Your team on the ground in El Paso has just been exceptional in how they are handling and processing these families and how they are working with social service groups like Enunciation House in El Paso to make sure that the interests of these children and families and the security of our country are protected.

So, I want to thank you for that.

I also want to—you and I have discussed this privately, but I want to say publicly that the Border Patrol Agents, the CBP Officers who are on the front lines of this crisis, are doing an extraordinary job in very difficult circumstances.

We hear story after story of Border Patrol Agents bringing toys from their own homes for these kids who are in incredibly vulnerable, difficult situations, who are—Border Patrol Agents who are working in cramped conditions. Sometimes, conditions that I know you are addressing, but border on perhaps unsafe, unsanitary, and I know that we are quickly changing that.

So, I just want to thank all those agents and officers who are on the line facing this issue directly.

I also—to follow up on Ms. Jackson Lee’s comments, I want to thank you and the Office for Civil Rights and Civil Liberties for addressing the claims and allegations brought by the ACLU and others about mistreatment of migrant children in custody of Border

Patrol. We don't know what the facts are. We just know the allegations have been made. But you have promised to follow up on that aggressively and get to the facts and address that issue once we have all the facts. So, I want to thank you for that, as well.

Mr. Chairman, I would like to address the larger context of this issue, brought up by you in your opening remarks about what has created the conditions for this crisis that we have right now. I will acknowledge, I do think that the President's piece-meal administrative approach to this when it comes to the DREAMers or through DACA might contribute to a perception that there are these permisos that are available in the United States.

Mr. King's point that, given the way that these children are processed, and given an order to appear and placed with a family in the United States, that may also create the perception.

There is also the fact that Congress, in the year-and-a-half that I have been here, has been unable to vote on a comprehensive immigration reform bill. I think that contributes to this issue.

Ms. Jackson Lee brought up the Wilberforce Act from 2008 under President Bush and the Congress at that time. But all of those facts about Congress and the administration's ability or inability to deal with immigration are lost on the families and the parents of these unaccompanied children who are sent north.

I can only imagine—we just celebrated my daughter, Molly's sixth birthday yesterday. I can only imagine what that must be like to be in a position to put her on a train north through Mexico up to the border with the United States, not knowing how she will fare, if she will get there, what will happen to her once she arrives. Conditions have to be really bad—unimaginably bad to me for that to happen.

So, while I agree that maybe Mexico can do more—although I find it ironic that so many of us question whether we have an appropriate border policy, that we would be implementing or imposing one on another country. Mexico can do more. Perhaps we could completely fence the border and build a giant moat with alligators to keep kids and people away. Maybe we could put these kids on a bus and just drop them off at the border with Guatemala.

I don't think any of those are consistent, No. 1, with the law; No. 2, with our values; No. 3, with my conscience or the conscience of many of the people in this country. I think we have to address the issues in those countries of origin. We have some complicity in this. We are the world's largest drug market. Those countries are in between the world's largest drug suppliers and the world's largest drug market.

I think your public relations campaign, Mr. Secretary, to those countries, to tell them that this is a dangerous journey is well-intentioned. I don't know how frankly effective that is going to be. I think we need a public relations campaign in the United States: "If you use drugs, you are complicit in the dangers that these children face."

We do have a humanitarian crisis here. There is no easy solution. It certainly won't be solved by walls or border enforcement. I think we need to go the—to the countries of origin.

With that, Mr. Chairman, I will yield back.

Chairman McCAUL. The gentleman—the Chairman now recognizes Mrs. Miller, from Michigan.

Mrs. MILLER. Thank you, Mr. Chairman.

I would say that, unfortunately, the Central Americas have had a very long history of both bad economies and violence. Both of these things are probably as bad now as they have ever been. But to say that that is a reason that we suddenly have tens of thousands of children—children almost entirely coming from Guatemala and Honduras and El Salvador, traveling thousands of miles through Mexico—all the way up through Mexico, and then illegally entering the United States simply isn't true.

I think that this humanitarian crisis can be laid directly at the feet of President Obama as a result of his DACA policy in 2012. So, I hope that our hearing today doesn't just point out the problem, which is very, very bad. Getting worse, no end in sight. But I hope that we can coalesce around some actual options and solutions.

Several weeks ago, I called on the President to call up the National Guard. Clearly, this is a National emergency. I don't think individual States like Texas or Arizona would have to pay—foot the bill if they had their own National Guard come up. Because this is a National problem.

A number of Members of Congress have subsequently joined me, and I appreciate that, in calling up the National Guard. Last week, both Governor Rick Perry and Speaker Boehner, as well, asked the President to call to Guard.

I have also called on the administration—several weeks—almost a month ago—to begin a very aggressive public relations campaign, in the centrals, telling parents not to put their children in danger by paying Mexican drug cartels up to \$8,000 a head to smuggle their children into the United States. I am glad to see that this was actually No. 11 on the Secretary's list, of his action list that he testified to today in our hearing.

Regarding Mexico, which is our neighbor and in fact, one of our largest trading partners, they are behaving so badly and so dishonorably, they are complicit, complicit in human smuggling coming up from the centrals. I think we need to take some steps, additional steps now to protect America by getting our neighbors' attention.

Instead of increasing funding hundreds of millions of dollars as the President called for, I think we need to stop foreign aid to the centrals immediately.

I am just going to give you a couple of examples of what some of our USAID is being used for in the centrals: Developing civil society programs, climate change, addressing the gender gap in education and workforce. I mean, we would be better off spending this money in the inner cities of America. We can start with Detroit.

I would say no more money from America until they step up to their own responsibilities and stop their citizens from illegally migrating to the United States.

Again, regarding Mexico, how can we continue to have free and fair trade with a country that not only takes our money but is actually profiting from these drug cartels, from human smuggling of children? It is sickening to watch these children on the top of the

train, “the beast,” as they call it—sitting on the top of these trains coming up thousands of miles through Mexico and the Mexican government is doing nothing.

Well, I think we need to act decisively. We need to act now. I would say no more financial assistance either to—from the United States either to the centrals that are shipping up their children to Mexico, through Mexico and to the United States.

I also think in regards to trading with Mexico, we need to re-open, reexamine, and perhaps repeal both NAFTA, which is the North American Free Trade Agreement. I think we need to do the same with CAFTA, which is the Central America Free Trade Agreement.

We need to whack them, our neighbors, to understand that they are just not going to keep taking our money and we are just going to be sitting here like this—we are not the ATM machine—while this humanitarian crisis is happening with these innocent, innocent children.

I would just ask the witnesses what you think of these additional options. The Secretary asked for some options.

In my opinion, we are not going to enforce our way out of this. We are not going to enforce our way out of this situation. We need to have some policy change and here are some suggested options.

Do any of the witnesses have a comment?

Secretary JOHNSON. Congresswoman, I agree with you that a key to solving this problem is Mexico and Central America, which is why we, I personally am in dialogue with them.

I believe that in a number of respects, we have a very valuable relationship with the government of Mexico in a number of respects that promotes the economies of our countries and this continent. But I do believe that we have to engage with them on our shared border security interest. I intend to have that conversation with them. Our President has had that conversation with their president.

We need to stress the situation that exists in south Texas as a result of the migration that passes through their country from Central America and we are doing that. I believe the discussions had been ratcheted up, if you will, over the last several months as a result of the situation we face. So I agree with you with respect to that.

With respect to DACA, we have to keep reemphasizing as I did in the letter I sent, which I believe was probably read by millions of people by now, at least I hope it was, DACA is for kids who have been in this country for 7 years, not for somebody who crosses the border today or tomorrow or yesterday. It is for somebody who has been in this country 7 years.

The smuggling organizations have a motive to distort and to pass out disinformation to encourage parents to pay them \$3,000 or \$4,000 a person to bring their kid into this country and that is what they are doing. They have launched a misinformation campaign, which we have to correct.

Mrs. MILLER. Thank you, Mr. Chairman. Yield back.

Chairman MCCAUL. The Chairman recognizes Ms. Sanchez, from California.

Ms. SANCHEZ. Thank you, Mr. Chairman and thank you, gentlemen, again, for being before us today.

I just want to make a couple comments to some of the things that I have heard here, and I then I do want to ask you a question.

First of all, you know, people are slamming Mexico because they are—they have got these drug cartels, et cetera. The reality is the demand is coming from the United States.

I mean, what are we—where are we? Where are we? Why haven't we done something about this demand for drugs? I mean, it is a supply-and-demand issue. People, Americans are putting cash on the barrelhead to get these drugs.

So we can't just look at a country that is transiting drugs or a country that is sending drugs. We have got to say what are we doing about the demand here in the United States? Because that is where, you know—that is where this money comes from.

Second, I just want to address—and I agree on so many things with Mrs. Miller, especially when it comes to borders. But I would have to respectfully disagree on a couple of things that I heard from her about not working with Central American countries or Mexico.

First of all, we know—this has been proven time after time after time—that the education of a mother—around the world, the education of a mother is central to the nucleus of the family, the stability of the family and the economics of the family. So this is a long-term investment that we make when we have USAID in so many countries working to educate young ladies because they will be the mothers of the future.

With respect to working with institutions or working to make institutions in countries, we also do that all over the world. If you have a place, a country and you can't trust the judicial system, you can't think you are going to get a fair shake if you get picked up off the street or if you have got a business saying you can't get a contract enforced, that is what makes America so great is that we have these incredible institutions, these democratic institutions, with a small "d" by the way, guys, and these judicial institutions that we work on every day to make great America and we try to put that and help other countries to do.

So I think these types of things that we are working on in other countries are incredibly important to give hope—to give hope to people who live in those countries and to have them have an ability to stay in those countries and not leave them and come up to an America that we know right now when we see the border is being taxed.

I would like to ask you about this whole issue because some have said that gang members or individuals with criminal records are the ones that are accompanying these children who are coming up and being apprehended.

So my first question is: How does the Border Patrol screen these individuals for these issues and what are your findings so far?

Chief VITIELLO. Each of the individuals who are arrested are interviewed by law enforcement professionals. So their observations plus the biometric capture of their fingerprints are checked against the databases of the holdings of the United States Government. So everybody over 14 gets all ten fingerprints taken and sent against

the NCIC database to check their prior criminal record in the United States.

We have not reports from RGV where this problem is the most acute, reports of people who are recognized as being gang members as part of the population that is under 17.

Ms. SANCHEZ. My last question because I am running out of time: Given the influx of these unaccompanied minors that are coming into the country, mostly across the Texan border, you are putting Border Patrol there. Where are these personnel and resources coming from to handle this influx?

What about the other areas? If you are pulling them from other areas, what are we seeing happen there?

Chief VITIELLO. We have looked carefully and taken a handful of folks from along the Southwest Border from areas that are not as active as what we are seeing in the RGV. Those people are dedicated for more boots on the ground, for the Border Patrol function as well as post-arrest interviews to gather intelligence to find leads for investigative follow-up to hand over to ICE to attack the networks that are responsible for the alien-smuggling in that area.

Ms. SANCHEZ. My time is up and I thank you. I will submit the rest of my questions for the record.

Thank you.

Chairman MCCAUL. The Chairman recognizes the gentleman from Pennsylvania, Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman.

Mr. Secretary, I am very grateful for your leadership of this agency at this particularly difficult time. You know my respect for you.

I do respectfully disagree with you on this issue with regard to the—you know, the deferred action on child arrivals.

I have been, as you know, a prosecutor and we have been fighting violence and drugs for the last decade or more. The one changed factor has been the new permissive policy of this administration on deferred action for child arrivals.

I also want to associate myself with the comments of my colleagues both here and on the other side. I hope every college kid who is sitting here with their visions of the important world they are playing with social activism and, you know, looking at investments for colleges or global warming will appreciate that when they are sitting in their dorm smoking dope purchased from these drug gangs, this is the implication, and maybe there is a little time for social activism there, too.

But, regardless, let me ask you a question about—you are apprehending children at the border with adults and you are gonna hold them and send them back, and I appreciate that policy.

But let me understand what is the distinction if you take an adult with their children, who arguably are more responsible because they are with their children, and yet if the child comes without their adult, we are going to take the child at the border and reunify with an adult who is probably here not under legal status.

So what is the difference? Why aren't we obtaining this child, reunifying and returning both of them?

Secretary JOHNSON. [Inaudible.] Thank you.

If an adult is apprehended at the border and they brought their children with them, they are a priority for removal. We are building additional space to hold them so they can be returned quickly. We need to do that. I believe that is important to do.

Mr. MEEHAN. But what is the difference?

Secretary JOHNSON. If you are in the—the difference, is if you are talking about reuniting a child with a parent who is in the interior, first of all, the law requires that if it is in the best interest of the child to do that, we will do that.

There is a deportation proceeding pending against the child at that point. With respect to the parent, if the parent is a convicted criminal, has a criminal record or is in some respect a priority for removal under our existing policies, then they should be removed.

Mr. MEEHAN. Well, with all due respect, what percentage right now of children are appearing for these hearings?

Secretary JOHNSON. I do know that unaccompanied children in removal proceedings are, in fact, removed.

Mr. MEEHAN. What percentage, once reunited, are returning for these status hearings?

Secretary JOHNSON. I don't have that percentage. But I do know that they are—

Mr. MEEHAN [continuing]. Probably not very high.

Secretary JOHNSON. I don't have the number off-hand. I do know—

Mr. MEEHAN. That is something we should know, if this is so fundamental to the policy. But I would suspect not very high.

This is a part of a concern, and I don't know the answer, but I also want to be very honest with the American people. This idea that somehow we are going to institute legal proceedings and take—you know, process—we have got 65,000 children that have come over the line.

Now, you know and I know, when—suppose we go through a legal process and find that that child has—is now subject to a judicial order for return. You know and I know, when I was a prosecutor, it took two agents to accompany that child back to his country. We used to fly an individual back—65,000 children. How are we gonna return them?

Secretary JOHNSON. Congressman, I will say two things. First of all, we are talking about children as young as 5 and 7 years old. This is a humanitarian issue.

Mr. MEEHAN. I know that.

Secretary JOHNSON. So, when you are talking about somebody who is desperate to be reunited with her mother or her father in the United States, I think as Americans, we need to be careful about how we treat these kids.

Mr. MEEHAN. I—let me just—

My time is—we all get it. This is what is so difficult about this. This is—we are dealing with children, and we get it, but we ought not be leaving the American people with the false impression that somehow the system is going to work and is actually going to lead to removals. Once those children are here, they are staying here.

Secretary JOHNSON. Well, the other point I would make, if I could, is that we have to stay focused through this situation on public safety, National security, and border security. So there are

a number of people who are in this country who still need to be removed, to whom we need to continue to apply resources. So I have got to keep my eye on that ball, as well.

Mr. MEEHAN. Thank you, Mr. Chairman. I yield back.

Chairman McCAUL. The Chairman recognizes Mr. Vela, from Texas.

Mr. VELA. Thank you, Mr. Chairman.

I want to begin by respectfully disagreeing with my colleague from Michigan in terms of the comments related to trade with Mexico. The state of—the total trade volume between the State of Michigan and the country of Mexico is \$52 billion. Michigan exports \$12 billion in products to Mexico and 175,000 jobs in Michigan depend upon trade with Mexico.

Over the past few weeks, as I have tried to wrap my arms around this situation, as you have, what it has boiled down to, in my view, is I view it as three separate crises. We have the crisis in Central America, and tomorrow the House Committee on Foreign Affairs will be addressing that. We know that the White House has initiated a response in that regard, and so we will save that for another day.

The second crisis I see is a logistical crisis with respect to this sudden influx. You have addressed well the detention aspect of that. But one thing I am wondering about from the adjudicative standpoint, what are your thoughts on what we need to do in order to make our adjudicative process more efficient?

Secretary JOHNSON. Well, in the short term, Congressman, we are surging ICE and DOJ resources into the region to deal with removal proceedings, to deal with asylum claims. We have had that conversation with Department of Justice, and they are definitely supporting the effort.

We need more lawyers and judges down there and we need more video teleconferencing, where it is appropriate, to expedite in a better way the run-of-the-mill removal proceeding, which, as I am sure you know, can take a very, very long time.

We have got resources all around the country that we think we can devote to this so that everybody is doing a fair share of the work here. So, we would like to see the process move more expeditiously when it involves removal, involves asylum claims. We are doing that; we have a plan to do that.

Mr. VELA. Now, is the administration request, in terms of dollars, does it include this part of the process?

Secretary JOHNSON. I believe it does.

Mr. VELA. Okay.

The third crisis I see, and I have some figures here that suggest that, in the last fiscal cycle, that 85 percent of the unaccompanied children that were being detained were being reunited with family. Do you know if that is an accurate reflection of what we are seeing to date in this fiscal cycle?

Secretary JOHNSON. I know that just over 50 percent of those unaccompanied children that HHS is placing it is placing with a parent. I have seen the number 85 percent, to suggest that 85 percent are being placed with a family member, but I don't know that to be—I have seen it, but I don't know that to be accurate. I have seen it in various places.

Mr. VELA. That sounds like the statistics that I have looked at in terms of the last fiscal cycle.

My point, I suppose, is that that is the third crisis I see, is which is addressing the immigration reform crisis, because, in my view, that those parents and those family members that these children are being reunited with, are the people that are working in our hotels and our restaurants and our construction sites. Certainly it is something we need to address very quickly.

I—just yesterday, in McAllen, Texas, local leaders met and they did address one thing that we are seeing in terms of the 72-hour detention.

Some of the folks have been taken to buses so that they can be sent to the other facilities. But the numbers are so overwhelming that the bus stations are closing because there are not enough buses. So some of the local nonprofits are having to take care of some of those families.

My question is: What Federal grant programs are there that we can tap into on an urgent basis, so that these nonprofits that are working alongside CBP and DHS down there can work with?

Secretary JOHNSON. I know we have had a terrific volunteer effort. I know the Red Cross has really stepped up to this, as well as a number of Texas-based volunteer organizations have done a heroic job.

In terms of grant-making, I would have to take a closer look at that, to see what might be available. Perhaps Administrator Fugate has some thoughts, but I would have to take a closer look at it.

Mr. VELA. We can work with your offices on those two points. I do want to close by thanking you, Mr. Vitiello, and the agents at Customs and Border Patrol. I have witnessed first-hand on plane rides up to the capital from Brownsville your agents caring for some of these unaccompanied minors. I know how hard they are working, and I just want to thank you and your agency on behalf of all of the people that I represent. Yield back.

Chairman McCAUL. Chairman now recognizes the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

Let me just say for the record, thank you gentlemen for your service to our country. Secretary Johnson, I am a big fan. I think you are the right man at the right time in this job. But you have got an immense challenge ahead of you. As I mentioned before, all of the different hats that you have to wear to protect our country.

But we are in a crisis situation in this country, and if my comments today show frustration, let me tell you that I am frustrated. I am frustrated by the crisis on the border. I am frustrated that last night, we saw the IRS commissioner continue to obstruct Congress's investigation into the IRS's targeting of conservative groups by a crashed hard drive and lost e-mails. I am frustrated that Brian Terry's death hadn't been vindicated through the "Fast and Furious" investigation. I am frustrated when we see the release of terrorists from Guantanamo Bay and not informing Congress. A lot of lawlessness in this country.

I think about and I am reminded of John Adams, who, regardless of the mood in Boston, defended the British soldiers in the Boston

Massacre. Regardless of how we feel about immigration reform in this country, how can we sit by and watch our country's National sovereignty, my country's National sovereignty violated over and over and over on our Southern Border? Not just this situation with children, but for a long time we have seen a increase in illegal immigrants coming into this country. We are calling the Guatemalans and Hondurans and El Salvadorans, OTMs, Other Than Mexicans, the term of CBP.

But I am concerned about the Middle Eastern, the Asian, the Africans that are also coming into the country not to take the job, not to bring their children in so that they can have a better life, but possibly to do harm to this great Nation. That is a concern that we ought to have.

If children can come across because CBP Agents are changing diapers or warming formula or doing other things other than securing the border, then I am sure that elements that want to do harm to this country can exploit our poor Southern Border also.

Let the record show that since 2006, there has been an increase of over 9,000 CBP Agents in this country since 2006 to now. Over 9,000 more agents to secure our border, and our border is less secure today, I think, than it ever has been.

I want to read a portion of a leaked draft memo from Deputy Chief Vitiello, dated May 30. It reads, "the large quantity of DHS interdiction intelligence investigation process and detention removal of resources currently dedicated to address unaccompanied alien children is compromising DHS capabilities to address other transborder criminal areas, such as human smuggling and trafficking, illicit drug, weapons, commercial and financial operations. If the U.S. Government fails to deliver adequate consequences to deter aliens from attempting to illegally enter the United States, the result will be an even greater increase in the rate of recidivism and first time illicit entries.

"To stem the flow an adequate consequences must be delivered for illegal entry into the United States and for facilitating human smuggling either as a direct member of an illicit alien smuggling organization or as a private facilitator. These consequences must be delivered both at the border and within the interior of the United States—United States—e.g. through expanded ICE homeland security investigations to target individuals facilitating unaccompanied alien children and family unit travel to the United States."

I agree with those words completely. This administration's mishandling of this situation just encourages more lawlessness. It encourages more folks to come here. If you talk about utilizing the resources of the United States, everything that is at your disposal we heard earlier. The National Guard should be called out. Article IV section 4 guarantees every State that joins this union protection against this. Protection against this, Article IV, Section 4. Look it up.

Every resource. How about Voice of America? Are we directing a Spanish-speaking Voice of America into Central America saying, "You cannot come into this country illegally, you will not get citizenship. In fact, you are going to be deported back to your home country." That is a resource that can be used? Are we doing that?

Maybe we are. But I say we should, just like we should have the National Guard on the border.

So, Mr. Secretary, you mentioned in your statement that we should do everything consistent with the laws and values of this country. We have laws on the books. The 2006 Secure Fence Act. We have got a very porous Southern Border. We don't have a Secure Fence Act. There are numerous laws that say if you enter into this country illegally, you will be deported. That is against the sovereignty of this Nation, that you cannot enter this country illegally. Are we enforcing that? No, we seem to be looking the other way.

So, would you agree with me, and are you willing to say that if you enter the United States illegally of any age, you will be deported back to your home country?

Secretary JOHNSON. Congressman, as you well know, we have to prioritize removals in accordance with the resources that Congress gives us. So, I have a finite amount of enforcement resources, border security resources, and so for the sake of homeland security, what we need to do is go after the worst of the worst first, which is what I believe we are doing. I think we could do a more effective job of that, but I believe that we need to prioritize and go after those who represent threats to public safety.

Mr. DUNCAN. We have increased your CBP Officers almost 9,000 in 10 years or less.

Secretary JOHNSON. That is right. I am sure that deputy chief definitely thanks you for that. I support it too.

So, in terms of your question about border security, let me say this. I continually inquire, in this current situation, are we taking our eye off the ball? I want to know that in the RGV sector in particular, that our Border Patrol Agents are focused on border security as well as dealing with the volume of the kids that are coming in.

Over the last month-and-a-half or so, we have surged a lot of resources into that part of the country, FEMA, HHS, and others, Coast Guard is down there, to support CBP in their effort. As recently as I think yesterday, the chief and the deputy chief and I have discussed this, and I will let the deputy chief answer for himself, but I believe it is the case that our Border Patrol Agents on the border are on the job, they continue to do their job.

Mr. DUNCAN. Mr. Secretary, I am out of time, whatever the Chairman will allow, but let the record reflect that the President asked for an additional \$1.4 billion to assist this effort, and we are \$18 trillion in debt. With that, Mr. Chairman, if the deputy secretary would like to answer and you will allow that?

Chairman MCCAUL. Yes.

Chief VITIELLO. Just to reiterate, we have been surging the resources that the Border Patrol has, CBP, the Department into RGV for the last several years. So they are better-resourced now than they were last year. This particular issue is a challenge for us. There in fact are more people focused on moving the flow and booking in and processing both aliens and adult—family units and adult males, all the people that come across. But they are better-resourced than they have been previously.

Mr. DUNCAN. Thank you, for that. For the record, I would like to include the article that has his memo that was leaked, thank you. Yield back.

Chairman MCCAUL. Without objection, so ordered.
[The information follows:]

ARTICLE SUBMITTED BY HON. JEFF DUNCAN

INTERNAL MEMO: "DREAM ACT" DELUGE "COMPROMISING" BORDER SECURITY

by Caroline May, 6 Jun 2014.

The deluge of unaccompanied children crossing the border illegally is "compromising" the government's ability to combat other border threats and has been incentivized by government policies, according to a leaked internal draft memo from Deputy Chief of Border Patrol Ronald D. Vitiello.

"Specifically, the large quantity of DHS interdiction, intelligence, investigation, processing, detention and removal resources currently being dedicated to address [unaccompanied alien children] is compromising DHS capabilities to address other transborder criminal areas, such as human smuggling and trafficking, and illicit drug, weapons, commercial and financial operations," Vitiello's memo, obtained by the Center for Immigration Studies and viewed by Breitbart News, reads.

"Insufficient attention to these mission areas will have immediate and potentially long lasting impacts on criminal enterprise operations within the Rio Grande Valley and across the country," it adds.

The document is dated May 30, titled "Unaccompanied Alien Children Transfer Process Bottleneck," and reveals that DHS expects the number of UAC apprehensions this fiscal year to be greater than 90,100 and next fiscal year to be 142,000.

Vitiello writes that the "urgency" to deal with the overcrowding in detention facilities is causing the level of enforcement and repercussions for illegal entry to deteriorate.

"The current urgency to alleviate dangerous overcrowding in DBP detention facilities is resulting in the necessary delivery of suboptimal consequences for illegal entry," he wrote. "If the US government fails to deliver adequate consequences to deter aliens from attempting to illegally enter the US, the result will be an even greater increase in the rate of recidivism and first time illicit entries."

Vitiello further noted that certain government policies are serving as additional incentives for illegal entry.

"Releasing other than Mexican family units, credible fear claims, and low-threat aliens on their own recognizance, along with facilitating family reunification of UAC in lieu of repatriation to their country of citizenship, serve as incentives for additional individuals to follow the same path," Vitiello wrote.

"To stem the flow, adequate consequences must be delivered for illegal entry into the US and for facilitating human smuggling, either as a direct member of an illicit alien smuggling organization or as a private facilitator. These consequences must be delivered both at the border and within the interior US, e.g. through expanded ICE Homeland Security Investigations to target individuals facilitating UAC and family unit travel to the US," the memo reads.

In a statement CBP told Breitbart News that "the draft memo appears to be an internal, incomplete working document, neither signed nor made official."

CBP's statement noted that while apprehensions of Mexicans have slightly increased over last year the number of apprehensions from countries other than Mexico, specifically Central America has increased by 50 percent. Vitiello's memo notes that currently just 3 percent of apprehensions from countries other than Mexico, predominantly Central American countries, are being repatriated to their countries of origin, as there are limited flights back.

"Significant border-wide investments in additional enforcement resources and enhanced operational tactics and strategy have enabled CBP to address the changing composition of attempted border crossers, but the rising flow of unaccompanied children and family units into the Rio Grande Valley present unique operational and resource challenges for CBP and HHS," the CBP statement continued, going to note President Obama's interagency Unified Coordination Group led by Federal Emergency Management Agency (FEMA) Administrator Craig Fugate to deal with the influx.

In announcing the interagency Unified Coordination Group this week, President Obama declared the surge of UACs an "urgent humanitarian situation."

Meanwhile Obama's immigration critics have pointed the finger of blame for the deluge at Obama himself.

"This is a direct result of the President's statements that he was not going to enforce the law with regard to people who entered the country as youngsters. It's an open invitation for others to come. What he has done in the last months, aided by members of Congress, is to create the impression that no one is going to be deported, and especially young people who come into the country are not going to be deported. So they are focusing way too much on attempting to cope with the flood of young people coming into the country and not nearly enough on reducing the flow," Alabama Sen. Jeff Sessions said this week.

<http://www.breitbart.com/Big-Government/2014/06/06/Border-Patrol-Memo-Points-To-Gov-t-Policies-As-Force-For-More-Illegal-Immigration>

Chairman MCCAUL. The Chair recognizes the gentleman from California, Mr. Swalwell.

Mr. SWALWELL. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your attention and your agency's hard work on this crisis.

I just want to go through a few questions. First, would you agree Mr. Secretary that we have a broken immigration system in the United States?

Secretary JOHNSON. Yes.

Mr. SWALWELL. Would you agree that because we have a broken immigration system, because there is great uncertainty about our immigration system, that in this chaos, this crisis with unaccompanied minor children has occurred?

Secretary JOHNSON. I wouldn't put it exactly that way, but I do believe that uncertainty in the law and uncertainty that I believe the smuggling organizations are creating is a reason for the recent influx.

Mr. SWALWELL. Mr. Secretary, you would agree that this crisis and the attention that your Border Patrol Agents has had to give to these children has diverted away from their attention to securing the rest of our Southern Border?

Secretary JOHNSON. As I mentioned a moment ago, that is an issue that I am constantly focused on, to make sure that that doesn't happen. As I think the deputy chief's comments reflect, we have surged a lot of resources into the Rio Grande Valley sector to make sure that everybody remains focused on their job in addition to dealing with the recent increase, to process people through the system as well as maintaining our presence on the border, and I believe we are continuing to do that.

Mr. SWALWELL. Mrs. Miller, my colleague from Michigan, placed this crisis and its blame squarely at the feet of President Obama's DACA program, the deferred action program, and that was implemented in 2012. Is that correct?

Secretary JOHNSON. DACA was implemented in June 2012.

Mr. SWALWELL. Here we are, where the peak levels of unaccompanied children migration is occurring in 2014. Is that right?

Secretary JOHNSON. Yes, and DACA is intended for kids who came into this country 7 or more years ago.

Mr. SWALWELL. If Mrs. Miller is, indeed, right that this is squarely the President's fault because of DACA, wouldn't you have expected to see these peak levels of children coming across the border perhaps in 2012 or 2013, rather than now? So, I guess I am asking, is it fair to solely place this on DACA? Or this something much more complicated?

Secretary JOHNSON. Well, let me be clear. I believe first and foremost—and I believe most people believe first and foremost—from

everything I have heard, everything I have seen, and from my own conversations with these children, that the principle reason they are leaving their countries is the conditions in those countries. They are really bad. It has to be really bad for a parent to want to part company with his or her own 7-year-old. That is the principle reason we are seeing this.

I do also believe that the smuggling organizations are creating a misinformation campaign about the legal situation in this country. It is in their interest to create that misinformation, and I believe they are. I believe, therefore, it is imperative for us to correct the record about what is available and what is not to somebody who crosses the border today.

Mr. SWALWELL. Mr. Secretary, you would agree, there are some short-term and long-term solutions to what we can do? A short-term solution—

Secretary JOHNSON. Yes.

Mr. SWALWELL [continuing]. Would be something that you have already done, which is writing an open letter to the parents of children crossing our Southwest Border to dispel the myths about what it means to come here and the dangers that the children will go through in their path?

Secretary JOHNSON. If it were—you know, if this administration's policies were the principle reason they were coming here, then you would see kids from a whole bunch of other countries, too.

Mr. SWALWELL. Would you agree, another short-term solution would be working, as the President and the Vice President have been doing so, to work with Mexico and Guatemala on that much smaller border between Mexico and Guatemala in addition to working on our much more vast border?

Secretary JOHNSON. Yes.

Mr. SWALWELL. Mr. Secretary, would you agree that a long-term solution would be putting certainty in our immigration policy so that there are not misconceptions as to what it means to children anywhere across the world?

Secretary JOHNSON. Yes.

Mr. SWALWELL. Thank you, Mr. Secretary.

With that, I yield back the balance of my time.

Chairman MCCAUL. The Chairman recognizes Mr. Palazzo.

Oh, Palazzo is on my left.

Barletta.

Mr. BARLETTA. Thank you, Mr. Chairman.

You know, I do believe that DACA and our failure of enforcing our immigration laws are the cause of this. The number of unaccompanied children has grown since 2012. Last year was a record of 5,000. Now, we have 65,000. But I don't blame just the President for not enforcing our immigration laws. I know many do. It is not just that. It is even Members of Congress. Congress has to share in the blame, as well. Any Member of Congress that starts talking about a pathway to amnesty—and that is what it is—lays out the welcome mat for people around the world that want to come into the United States illegally while our borders are not secured.

It is irresponsible to talk about what we will do before we can stop the flow into the country. This is not a surprise, what has happened. It is everyone. We need to secure our borders and make

sure people cannot get into the country illegally. We need to make sure people can't overstay their visas.

But I have two questions—the first one, if I could get a quick answer, because I want to get to the second one, is—Secretary Johnson—my constituents are frequently on flood alert. We prepare for emergencies, invest in mitigation. We are still dealing with the aftermaths of Sandy of Irene and Lee. My understanding is that the President's March budget request did not ask for additional funding to pay for this crisis at the border.

We know that we knew about it as far back as January.

Here is my question—how can you guarantee me and my constituents that the money to address the crisis at the border won't come from the same pots that helped Pennsylvanians back home deal with floods? By putting FEMA in charge, you have kind of signaled a disaster declaration is coming. I am concerned that our flood disaster funding will be constantly drained by the situation.

If you could quickly answer that?

Secretary JOHNSON. Well, I can assure you, Congressman, that if your constituents, or anybody else faces a major disaster, we will support a response.

Mr. BARLETTA. But is it coming out of those same pots of money? Are we draining the money that will be used for flood disasters by using FEMA? Is it coming out of that same pot?

Secretary JOHNSON. FEMA's coordinated role doesn't mean that FEMA is undertaking to support all these agencies. All these agencies are paying for this out of their own—

Mr. BARLETTA. Yes. I am just worried about where the money is coming from and does that mean that that pot gets drained a little more?

If we could, quickly because—

Mr. FUGATE. Yes. Congressman, the funds being used for this were already funds that were expended under current authority to deal with these issues.

Funding that is being directed is done through interagency agreements. Money is not coming out of the DRF to pay for those functions, which are primarily responsible and funded by Congress through other appropriations.

Mr. BARLETTA. Okay.

If I could go back to the—you know, if it is not our lack of enforcing immigration laws, why don't they stop somewhere in Mexico? Why come all the way to the United States? Why put these children a thousand miles and risk their lives to get to the United States?

There is nowhere in Mexico that is better than Honduras or Guatemala? I don't buy that, and I don't think the American people do either.

The Department of Homeland Security was created to stop bad things from happening before they happen. Here is a copy of the ad that DHS put out in January 29. In fact, we wanted an answer from the contractors by February 19. It said there will be approximately 65,000 children in total.

My question is: Who knew that there was going to be 65,000? The largest amount that ever came was 5,000. Somewhere we pull out this number of 65,000. It happens to be correct.

Why was the administration surprised? Why are we acting surprised now if in January, we expected this to happen? Why weren't we prepared, if we expected 65,000?

Why didn't we do anything to stop this in advance? You talked in your testimony that the President talked to the president of Mexico last week and Vice President Biden just recently—why then if back in January 29 we anticipated this happening?

Secretary JOHNSON. First of all, I don't know where that estimate comes from. Given the—

Mr. BARLETTA. It is in our own—it is in DHS's ad.

Secretary JOHNSON. I don't know where the estimate comes from. I don't know who created the 65,000 estimate. In all likelihood, we will probably exceed that in the rate we are going.

We have known this has been a problem since I took office 6 months ago. I have been hearing about this issue going back to my confirmation hearing.

So—and we have known we have had a problem in the Rio Grande Valley sector, which is why in April, I asked my staff to create a campaign plan for the Rio Grande Valley sector, in particular for the Southwest Border, to bring to bear all the resources of DHS on this issue.

We have known we have had an issue with third-country nationals, children and adults. I issued the campaign plan in early May. The numbers very clearly have spiked more recently in April, May, which has required us to bring to bear the resources of the entire Federal Government.

Mr. BARLETTA. But we shouldn't be surprised because we saw it coming as far back as January. Somebody did in DHS. I would like to know who it is. If you could find out—

Secretary JOHNSON. I am not disagreeing with you. We have known this was an issue since I took office, sir.

Mr. BARLETTA. But it went from 5,000 to 65,000. Something happened. When the largest amount that ever came of unaccompanied children was 5,000, which was last year, something happened that 65,000 showed up and somebody knew about it. And surprise?

Secretary JOHNSON. I think it was more like 38,000 last year.

Mr. BARLETTA. Well, from 5,000 to 38 to 65. So since DACA, we have gone from 5,000 to 38 to 65—

Secretary JOHNSON. No. Sir, you want to somehow put it on the doorstep of DACA. I keep saying that—

Mr. BARLETTA. No, no, no. I am blaming Congress as—I am blaming Congress as well and our lack of immigration enforcement.

There is nothing wrong with our immigration laws. We just don't enforce them. We have released 36,000 criminal aliens back onto the streets—160 of them committed murder. If we could release people who have committed murder, I am sure has something to do with it.

Thank you. Yield back.

Chairman MCCAUL. The gentleman's time is expired.

Mr. Richmond, from Louisiana.

Mr. RICHMOND. Thank you, Mr. Secretary, for coming today.

Let me just go back to some basic questions because I have heard today a number of times that we should just send the kids back.

Do many of the kids actually not make it and die along the long route to make it to our border?

Secretary JOHNSON. The route is definitely treacherous. I can't tell you with any degree of certainty who doesn't make it because I am just not in a position to know that.

I have heard in a number of different places that these kids are exploited by the smuggling organizations. They travel over a thousand miles up the coast of Mexico on trains and trucks. It is getting hot. It is exceedingly dangerous.

Mr. RICHMOND. What happens to them if we just turn them around?

Secretary JOHNSON. Well, if we just turn them around, they just go back to the conditions that they were motivated to leave from.

Mr. RICHMOND. If they make it back. If they make the long journey back.

Besides the humanitarian reasons and reasons of conscience and morals, the William Wilberforce Act would keep you from turning them around, wouldn't it?

Secretary JOHNSON. Well, the 2008 law is not in conflict with commencing a deportation proceeding against the child. It is my understanding that the law would not permit an expedited removal of an unaccompanied child. That is my understanding of the law.

We do expedited removals. Let's say a Mexican crosses the border. They are apprehended by one of the Chief's Border Patrol Agents. We can do an expedited removal of the Mexican right back into the country of Mexico. We can do expedited removals of adults into Central America where there is no immigration judge involved.

But in terms of an expedited removal for an unaccompanied child, my understanding of the law is that that is not available.

Mr. RICHMOND. As much as you heard today that we should just either turn them around or expeditiously remove them, do you know of any legislation introduced that someone put their name on to repeal the William Wilberforce Act?

Secretary JOHNSON. Not to my knowledge.

Mr. RICHMOND. We also talked a little bit about—and I heard you mention a little bit about Mexico and the fact that you have—the Vice President has met and the President has had telephone conversations. Has the government of Mexico started taking any steps, any affirmative steps to help us with this issue?

Secretary JOHNSON. We have over the last several years been in discussions with them about our shared border security interest and we have increased that engagement in light of this current situation. I believe we will continue to have productive conversations.

Mr. RICHMOND. Well, specifically on this issue and the fact that you just mentioned that we are looking at probably over 60,000 unaccompanied minors this year, have they taken any steps to help us with this issue right now besides just conversations?

Secretary JOHNSON. I am sure that they will help us with the public affairs campaign. Excuse me. We will continue our discussions about our shared border security interest. I have had those discussions beginning in February, and I believe they will be productive.

Mr. RICHMOND. Mr. Chairman, I know that the Secretary has to leave so I will yield back so that my colleagues can ask some questions.

Chairman MCCAUL. Thank you for that.

To get through all the Members in the time we have, I am going to strictly enforce a 5-minute rule.

Mr. Perry, from Pennsylvania.

Mr. PERRY. Thanks, Mr. Chairman.

If it hasn't already been done, I would like to submit a copy of the advertisement that has been referenced under unanimous consent into the record.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

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Escort Services for Unaccompanied Alien Children

Solicitation Number: BERKS-RFI
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Office: Immigration & Customs Enforcement
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Description: Escort Services for Unaccompanied Alien Children RFI

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801 I Street, NW, Suite 910,
Washington, District of Columbia 20538
United States

Place of Performance:
Varies. See Attachment.

United States

Primary Point of Contact:
Tony Rose,
Contracting Officer
tony.rose@ice.dhs.gov
Phone: 2027322587

Secondary Point of Contact:
Rachel Ali,
Contract Specialist
Rachel.Ali@ice.dhs.gov
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Notice Type:
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Posted Date:
January 29, 2014

Response Date:
Feb 19, 2014 11:59 pm Eastern

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V – Transportation, Travel, & Relocation Services

NAICS Code:
405 – Transit and Ground Passenger Transportation485991 -- Special Needs Transportation

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Mr. PERRY. Alright. I would also like to just reject categorically any claims made by Members of this committee that somehow America or American citizens are at fault for this crisis, this situation on the border.

With that having been said, gentlemen, thank you very much for your service in these difficult times. We are very appreciative.

I would like to turn to Mr. Vitiello. Is that correct?

Chief VITIELLO. Vitiello.

Mr. PERRY. Vitiello? Thank you, sir.

How long have criminals been smuggling people across the border to your knowledge?

Chief VITIELLO. My entire career, 29 years.

Mr. PERRY. So at least 29 years. Have smugglers lied to people south of the border that might be interested in seeking to cross the border about the conditions or what they might encounter or their status when they come here? Have smugglers lied to people in the past?

Chief VITIELLO. That is the experience of the Border Patrol.

Mr. PERRY. So in your opinion, in your estimation, what has changed recently in the last 2 or 3 years that has fostered this immense increase in traffic, especially of people that are young, 17 and below, coming—what has changed?

Are there any metrics at all that you know of to support the claim that you might make shortly?

Chief VITIELLO. I think lots of things have changed.

I think the conditions—I mean, we have talked about all of the push factors. I have seen these reports. People are fleeing, you know, difficult conditions, they are reuniting with family in the United States, they are fleeing economic uncertainty and failed governments both locally and nationally.

Mr. PERRY. So the conditions that you are talking about, the crime, the uncertain conditions, the poor conditions economically, what has changed dramatically, because would you admit that the numbers have increased dramatically?

Chief VITIELLO. There is no doubt about that.

Mr. PERRY. So is there a corresponding increase dramatically in poorness of conditions in these countries south of the border to correlate?

Chief VITIELLO. I just don't know. I mean, I think it has been a while that those conditions have existed.

Mr. PERRY. Yes, it has been a while, right?

So my concern is there is some narrative here that seems to be perpetrated among—upon the American citizens that somehow things have exponentially decreased south of the border and that is counterpart to this exodus south of the border into the United States. That is what is causing it. I am not sure it is true. You don't know at this time of any metric that would support that.

Chief VITIELLO. I don't—not in metrics.

Mr. PERRY. So do you think that there is any difference in our policy? I would agree with the remarks of Mr. Barletta that a Congress that has implied that wholesale amnesty might be in order if you make it across the border.

But are there any other policies from the administration or otherwise that might be contributing to this circumstance currently on the border?

Chief VITIELLO. I think that we are addressing in the broad spectrum all of the things that I believe will help make this better.

Mr. PERRY. I understand. But is there any particular policy that might be—you know, whatever the numbers are, 5,000 to 38,000 to 65,000, is there anything that you can think of that support it?

Chief VITIELLO. I am not sure I would categorize it as policy. I think that we have struggled not to have a sufficient level of, you know, in this case, detention for people who bring their children across the border.

Then, as it relates to the unaccompanied children, the law dictates how they are processed, both in the initial for book-in and deportation proceedings, and then turning over to HHS——

Mr. PERRY. I understand that, but what has changed to drive so many to come recently? What has changed?

Chief VITIELLO. I am not sure.

Mr. PERRY. Okay. I am not sure. I am not sure either, but I think our policy has changed. The public perception that you can come here and stay has changed.

Chief VITIELLO. I have seen those reports.

Those are reflected in the intelligence we have collected. It is in the open——

Mr. PERRY. It is not reflected? It is not reflected?

Chief VITIELLO. No, it is reflected.

Mr. PERRY. It is reflected.

Chief VITIELLO. It is in the open-source reports.

Mr. PERRY. So has human trafficking also gone up as a result of these increased numbers?

Chief VITIELLO. I am not sure it has gone up. Populations have gone——have increased, which leads me to believe that smuggling has increased as well.

Mr. PERRY. All right. Mr. Secretary, I have got to move on. I appreciate your answers.

Regarding the 29 January advertisement for escort services, I understand you were on the job for about a month. So, you are somewhat unaware. Do you know what drove that policy decision? Do you have any idea? To advertise.

Secretary JOHNSON. I haven't seen the document.

Mr. PERRY. All right, I am gonna provide it and have it——

Secretary JOHNSON. I believe it is a recruitment document.

Mr. PERRY. There are a couple points of contact, Mr. Tony Ross and Rachel Ali. If you could in writing respond to me about what the policy decisions were that drove the advertisement.

Do you know if this is unprecedented? Have we advertised for these escorts in the past? If not, why not? If now, why now?

Secretary JOHNSON. I would have to see the——

Mr. PERRY. All right. I yield back, but I would like those answers in writing. Can I get a commitment to get them?

Secretary JOHNSON. I always believe in being responsive to Congress.

Mr. PERRY. Thank you, Mr. Chairman. Yield back.

Chairman MCCAUL. The Chairman recognizes the gentlelady from New York, Ms. Clarke.

Ms. CLARKE. Thank you, Mr. Chairman.

I want to thank Mr. Secretary, Honorable Fugate, Mr. Vitiello for your testimony here today. It has been very enlightening. I want to thank you for your thoughtful approach to really handling a multifaceted, multidimensional, very complex crisis.

There are a lot of moving parts here, and it is clearly something that we have to work with in terms of as a work in progress.

I was glad to hear about the diplomatic component to what you are doing in terms of reaching out to El Salvador, Honduras, Guatemala.

My question is a logistical one, similar to the one Mr. Vela raised, which is: What, exactly, do you anticipate in terms of the logistical challenge of reuniting children who don't have any relatives in the United States? How do we work with embassies, consulates to reunite children from various countries with their parents back home? How do we identify that? Have you given thought to that as of yet?

Secretary JOHNSON. Well, once the child is identified as an unaccompanied child, the law requires that DHS turn the child over to HHS. So your question really goes to HHS—

Ms. CLARKE. Okay.

Secretary JOHNSON [continuing]. And their process, which I am not fully equipped to answer. But they have a process of identifying a family member and acting in the best interest of the child.

Ms. CLARKE. Very well. I just wanted to get a sense, because I can imagine it is a daunting task.

I did want to comment for the basis of this hearing, that I find it troubling that we would want to move a military operation, such as the National Guard, to our borders to address unaccompanied minors.

I just want to put that on the record, because we can't say it is a humanitarian crisis on the one hand—and I think just about every colleague has acknowledged that—and then want to put arms on the border to meet children who are fleeing clearly untenable situations in their homelands.

Do you have a sense of the average amount of children coming in daily and which nations, what percentage are coming from what nations?

Secretary JOHNSON. In the Rio Grande Valley sector, where almost all of this is occurring, we are encountering about—the number varies, but we are encountering lately about 350 a day.

Ms. CLARKE. Do you have a sense—are they—I mean, do you get a sense that they are being—for instance, if they are being smuggled, are they children from varying countries, or are they typically grouped by country?

Secretary JOHNSON. Honduras, Guatemala, El Salvador.

Ms. CLARKE. So you could conceivably run into children traveling together, but from different countries?

Secretary JOHNSON. I am not sure about that. I am not sure about the—how they configure themselves in these groups. I do know that something like three-quarters of them are from Honduras, El Salvador, Guatemala.

Ms. CLARKE. Okay. I would be interested, Mr. Secretary, if we could drill down at some point to get a better sense of, you know, which countries seem to have larger percentages of children coming in.

If, Mr. Vitiello, if you could get a sense of, are these children meeting in the desert? Are they meeting on railway cars? Because at least what we are seeing from the press is that the children tend to gravitate and come across together, so you are not seeing, like, individual kids, necessarily, but children traveling together?

Secretary JOHNSON. Well, they very clearly come in groups. They are herded, shepherded by a civilian guide, by a guide, at various points along the journey, that is part of the smuggling organiza-

tion. It starts at the point of origin in Central America and it goes through Mexico. So they are clearly traveling in groups. They are not traveling alone.

The numbers are roughly equivalent among the three countries. Honduras might be slightly larger than the other two, but they are roughly equivalent.

Ms. CLARKE. Very well.

I yield back, Mr. Chairman. I thank you once again.

Chairman MCCAUL. Thank the gentlelady.

Mr. Palazzo is recognized.

Mr. PALAZZO. Thank you, Mr. Chairman.

As an active member of the National Guard, I see first-hand the importance of the National Guard supporting our armed forces as we protect our country. As Guard members return from overseas, many of them stand ready and willing for their next mission.

As many of my colleagues have pointed out today, the National Guard can play a pivotal role in securing America's borders. We have seen successful Guard missions in the past with Operations Jump Start, Phoenix, and Nimbus.

Last year I called on the Department to use the National Guard to help secure the border. In May 2013, I offered an amendment in this committee to the Border Security Results Act, which would ensure that DHS considers lessons learned from past National Guard missions on the border. Both the current and previous administrations have used the National Guard on more of a short-term, ad hoc basis rather than on any long-term, strategic plan.

Secretary Johnson, wouldn't it be beneficial for the Department to partner with the National Guard and develop a long-term strategy for the Guard to assist along the borders? Wouldn't it be the borders would be more secure if we had a well-planned, budgeted strategy that consistently uses the Guard members rather than just using them sporadically?

Secretary JOHNSON. Congressman, first of all, I want to consider every option to deal with this circumstance. I take no lawful option off the table.

As I am sure you know, the Guard has limitations, including Posse Comitatus: A Guard can't be involved directly in law enforcement. There are some exceptions to that. The Department of Defense obviously has a lot to say about this, too. It is their resource. It comes out of their budget. There are a lot of demands on the Guard, particularly in this season. You know, we are dealing with hurricane season. There may be different crises they respond to.

But, I have heard the calls from some that we put the Guard on the border. I would want to understand better what the options are for the use of the Guard depending on the direction of this situation takes. But I don't take any option off the table. But there are definitely some limitations on the use of the Guard in this respect, I think, and we have to be mindful of those.

Mr. PALAZZO. Mr. Vitiello, I mean, you have been with the border protection for awhile, were you a part of any of these Guard missions in the past? Can you comment on whether there are pros and cons?

Chief VITIELLO. So, yes, we have had a great relationship over the years with the National Guard in Operation Jumpstart and the

on-going Operation Phalanx Now, in where we use National Guard resources to do things like surveillance and sensor response, or sensor monitoring for us. It is not without its challenges.

We were blessed to have the Guard when we were building the new 6,000 agents, and it gave us a bridge to more capability on the ground. We learned from them in the resources that we are reusing from DOD as they come back from theater and are pressed into service for border security. So, we have learned a lot from them in all manner, with regard to plans, strategic deployments, et cetera.

But having the Guard on the border has some limitations, and this work is best done by law enforcement agents. In my opinion, learning from the Guard, there are some things that they can do. I think the Secretary is right to keep our options open. But as it relates to this particular problem, where it is most acute in the Rio Grande valley, it is not a challenge to arrest people who come as children or families with children. The other zones along the Southwest Border and in south Texas are well-patrolled and are either better equipped than they were last year or just as well-equipped as they were last year.

Mr. PALAZZO. All right. Well, I think originally, when I—last year, it was suggesting the amendment was to ask DHS to study the lessons learned. It was to look in it. Don't take any option off the table. But the Guard has been basically sustaining combat missions, humanitarian assistance missions, disaster relief for the past 12 years. They have proven that they can multi-task and do numerous things. I still believe it is much more cost-effective and efficient to surge the Guard to the border, get the operational control, and work them into your plan.

They are going to train somewhere every year, and you can rotate them in, you can rotate them out. Fix the issues. Figure out what they could do. To Congressman Clarke's issue, yes, we don't want kids walking across the border and being met with guns, but I don't think they would be met with guns. There are probably other agencies, non-profit or Federal groups that could be out there.

But you know, our borders are dangerous. People are—because we don't have control over our borders, we don't know what is coming across. But we do know there are drug cartels, there is gun running, there are drugs, and you know, that would be an other mission. It could be an escort mission. It could be a rove-and-patrol. It could be a communications. It could be providing the necessary assistance. Because I don't think it would be wise to expand the full-time employees of the Border Protection Agency. I don't think the American people want to see more Federal law enforcement agencies when they have this tool, this cost-effective tool at its fingertips.

So, I would just want to urge Mr. Secretary to really consider this. I know every member of the National Guard that I served with would love the opportunity to secure our borders. The American people want to know that our borders are secured and that we are safe and sound. So, thank you for being here today. Yield back.

Chairman MCCAUL. The Chairman now recognizes Mr. Barber, from Arizona.

Mr. BARBER. Thank you, Mr. Chairman, and I want to thank you for convening this hearing on this very important issue, this crisis that we are facing on our borders, particularly in Texas and Arizona, and thank you, Mr. Secretary and the other witnesses for being with us this morning.

My State is directly affected by the influx of these children from Central America. We have the Nogales Border Patrol station, which is in my neighboring district, but nevertheless, the impact is felt throughout southern Arizona. I share the concern of many of my colleagues, virtually all of us have either children, young children, or grandchildren, and we can imagine what it must be like for these children to be in a strange environment without their family members. I just want to say that I have seen what our Border Patrol Agents are doing, and they are doing a noble job trying to keep up with a very difficult situation.

The cartels are exploiting the situation in many ways. I want to get to a question about that in a moment. I am very concerned about the influx and what implications it has, Mr. Secretary, for the security of the border. I represent one of nine border districts, 83 miles of border. The people who I represent, particularly those who live and work along the border, are really concerned about their safety. The concern that they have expressed to me is that as Border Patrol Agents have been pulled into the Nogales station in particular to care for these children, we have compromised their ability to secure the border and to keep people safe.

Right now, we have about 1,200 kids, I believe, at the Nogales—in the Nogales community. They have been moved from the Border Patrol station into a warehouse where they are trying to accommodate the need. We have estimated that maybe 60,000 unaccompanied minors will be coming and be apprehended this year. As I said before, the Border Patrol Agents, many of whom are family members, have children, have been bringing in books, have been bringing in toys, bringing in diapers, caring for these children. Clearly this is not their job, but this is what they are doing.

So, Mr. Secretary, three questions: First of all, how many unaccompanied minors are still in CBP custody as we speak, and how many of them are in custody in the Tucson sector? Let me start with that question, and then I will move on to two others.

Secretary JOHNSON. Well, first of all, I am going to Nogales tomorrow to inspect the situation there. One of the things I will be asking is the question you asked. Are we having to divert Border Patrol personnel from their Border Patrol duties? That is very important to me that we minimize the circumstances of that. The capacity at Nogales, I think is about 1,200. It is near capacity, with unaccompanied children. We were at one point sending family units there. We are not. We are just sending the unaccompanied children there. From that point, they go to HHS custody.

Overall, children apprehended in the Rio Grande Valley sector, I don't have the—that are in-custody right now, I don't have the number off-hand. It is probably—I don't have the number off-hand. I wouldn't want to hazard a guess, but I can get that to you.

Mr. BARBER. Very good. Well, I appreciate the fact that you are going to be asking about the impact that the agents being asked to come to Nogales to staff up for these children, what effect that

is having on border security. I have been in touch with people who live and work along the border of ranchers and in fact have heard from some agents about the fact that they have been pulled off shifts, that we have less agents on the ground that are helping to secure the border, so Mr. Secretary, if you could get back to us with some information about how many have been pulled and what the impact is.

Let me just close with this one question. It is a comment and a question. I have been particularly discouraged by the fact that virtually nobody in Arizona knew that these children were coming. I found out about it through the newspaper. The local sheriff found out about it the same way. Even the sector chief found out about it as the children were arriving. What steps is the Department taking to make sure that if we have any additional transfers like this, that local authorities and officials are properly identified?

Secretary JOHNSON. Well, first of all, it shouldn't have happened that way. The Congressional delegation, local officials, should have gotten notice that this situation necessitated that we extend our processing to Nogales, and I have instructed my staff that when we have to go to these places, we give the Congressional delegation and local officials advance information about that.

Mr. BARBER. Thank you, Mr. Secretary. Thank you for what you are doing to keep up with this terrible situation. I particularly want to thank our Border Patrol Agents for what they are doing every day. I yield back.

Chairman MCCAUL. Chairman recognizes Mrs. Brooks, from Indiana.

Mrs. BROOKS. Thank you, and thank you again, Mr. Chairman, for holding this very important hearing, and thank you all for your service.

My question I want to follow up on the smuggling questions and actually, to Chief Vitiello, could you please talk with us a little bit about additional resources that are being provided to you all to prosecute the smugglers, and has there been an increase in prosecutions of smugglers in the last 6 months?

Chief VITIELLO. I would have to get back to you for specifics on, you know, prosecution cases in the last 6 months. But we have surged our own resources to develop leads for case work to understand what we know or what we can know more about alien smuggling networks.

ICE has also—ICE, the Homeland Security Investigations group, has also surged resources at this problem for the same purpose, for them to increase their level of case work looking at smuggling networks.

Just to the point on—as it relates to Border Patrol resources, the Nogales Placement Center is being conducted on agent overtime. We have added overtime in all of the locations that have helped us process folks whether it be Nogales or El Paso and certainly in the Rio Grande Valley.

Mrs. BROOKS. So smuggling operations have been going on for years and years. This is not new. I am a former U.S. attorney in the Bush administration. We did smuggling cases.

But this is at unprecedented levels is what it seems, particularly obviously with children.

What are the smuggling operations? What is your intelligence telling you? What kind of groups?

Is it MS-13? Is it Barrio 18? Is it the gangs that have developed smuggling organizations and is that really what is bringing these groups in?

Chief VITIELLO. I think that over the years, over the last several years, the sophistication of smuggling networks and their connectivity to cartels has been a concern for quite some time.

The work that we have from the field intelligence reports that have been generated to our office suggest that people contract smugglers both in the point of origin. Sometimes they wait until they are in, you know, the—Mexico. Sometimes they wait until they are at the border.

But that is the kind of thing that we recognize. Post-arrest interviews give us information. We look for indications for intelligence in things like pocket trash, develop phone numbers and then pass those leads in the local sense to the interagency and then certainly to Homeland Security Investigations to follow up and try to attack those networks as they bring folks in.

Mrs. BROOKS. Do you have any idea from the young people that you have interviewed how many kids have died?

Chief VITIELLO. I don't have any direct information about that.

Mrs. BROOKS. Do we have any information about any children who have died or are missing?

Chief VITIELLO. Not specifically.

I mean, I think that, you know, we recognize that this journey is a very difficult one. Certainly at the border over the years, we have seen people fail in their attempt by succumbing to the elements and I don't think it would be different for this population.

Mrs. BROOKS. Mr. Secretary, as you have indicated, there is a public relations campaign that you initiated.

Are we talking about increasing prosecutions or—of smugglers in Central America so that we can create that deterrent effect and let people know that they are being prosecuted, what the penalties are and that we are actually catching any of the smugglers if we are?

Maybe we, in our law enforcement resources or working with the Mexican authorities, are not being successful in our smuggling prosecutions; I am curious whether or not we are talking about that at all.

Secretary JOHNSON. The answer is yes.

I would like to add to what the deputy chief said. Homeland Security Investigations, which is part of ICE, has been surging resources to deal with the smuggling organizations. In the month of May, they made something like 163 arrests of so-called smugglers and I have directed that we add resources to that. The Department of Justice is also adding resources to this effort.

I think the key is the money trail because the money trail often originates in the United States. So if we can track the money, we can stop the flow of money that goes to pay these organizations to smuggle the kids, we go a long way to dealing with this problem.

Mrs. BROOKS. Are you publicizing the prosecution of 160 individuals, which I would commend you for the month of May in Central America, you know, letting everybody know who has been arrested and what has happened?

Secretary JOHNSON. It is in our interest to do that, yes.

Mrs. BROOKS. With respect—and I have grave concern that the groups like MS-13, which are growing in this country, are bringing these kids in who now owe MS-13. Would that be correct? They owe them a bit of debt for bringing them into this country.

Is that fair to say, Chief Vitiello?

Chief VITIELLO. It is often the case that people contract with smugglers without a payment up-front. So that is a concern.

Mrs. BROOKS. So now these young people are coming into our communities owing the gangs some debt. Would that be correct?

Chief VITIELLO. It is important for us to know who is responsible for the smuggling and recognize where the networks are in all three countries.

Mrs. BROOKS. I certainly hope we keep track of them in our country.

Thank you. I yield back.

Chairman MCCAUL. Let me say to the gentlelady's point, this committee will be introducing an anti-smuggling bill in the near future.

Mr. Sanford is recognized.

Mr. SANFORD. Yes, sir.

Mr. Vitiello, thank you for your testimony.

Mr. Fugate, you have been incredibly patient during this testimony because a lot of questions haven't been oriented towards you. But given the fact we are in hurricane season and I am from the coast, I will be calling.

To you, Mr. Secretary, I am a huge fan. You know, the things you have done in the United States military, I think, just incredible.

I have been watching you over the last couple hours during testimony. I wrote down bearing of a military officer, verbal dexterity of a Philadelphia lawyer, and decisiveness of a CEO.

Secretary JOHNSON. I don't know where you get Philadelphia lawyer—

Mr. SANFORD. So I am a big fan.

But in the few minutes I have, I am going to ask a couple of fairly pointed questions. I would ask that you answer them as quickly as possible so I can run through my quick 5 minutes, all with the caveat of I am a big fan. Fair enough?

Secretary JOHNSON. Okay. Yes, sir. Here it comes.

Mr. SANFORD. Okay. You know, going back to being a pup lieutenant way back when, it just strikes me that, you know, as you guys set up a perimeter in the military, it is not a conditional perimeter. It is not contingent on what Mexico might do or Pakistan might do; it is an absolute perimeter.

I think one of the things that the American public is thirsting for is the same kind of decisiveness and reality they see in the military in a perimeter that isn't breached on the Southern Border. Why can't we have that in short form?

Secretary JOHNSON. Well, first of all, you have to realize these kids probably want to get caught. In some cases, as—

Mr. SANFORD. Well, not want to. I am mean, they are running to officers.

Secretary JOHNSON. They will run to the nearest officer and say, "Here I am."

Mr. SANFORD. Right.

Secretary JOHNSON. So you have to ask, you know, will an increased border presence deter that?

Mr. SANFORD. I guess let me phrase again because I only have a couple minutes.

Should we have a border that is in essence conditional? Because part of the testimony was based on what we might get Mexico to do, what we might not get Mexico to do, or what we might get Guatemala to do.

Shouldn't it be as at least a goalpost, an absolute rather than a conditional border?

Secretary JOHNSON. We need to have secure borders, absolutely, if that is your question. We need secure borders.

So one of the things that I have tried to do here in my testimony is lay out all the things we are doing to deal with this situation, which not only involves processing the kids but turning the tide around.

Mr. SANFORD. But I mean, part of what we are doing now, I mean—because I think that there is a real difference between words and actions and a lot of our actions have been absolute.

I mean, I think that our words have been absolute. I mean, the words that you used were, "We are going to bring to bear all assets of the Federal Government."

I think that most people don't believe that. They believe that if we brought to bear all assets of the Federal Government, we could have a secure border.

Secretary JOHNSON. Well, let me say this. I am going to say what I said before. I want to know every option, and I want to consider every option. I am prepared to seriously consider every lawful option——

Mr. SANFORD. No. We have been here a couple hours so I understand.

But I guess going to the point though of as a strategy—I mean, you are an able, fit guy, military guy. As a strategy, if you loved your kid and wanted to get him in America, wouldn't you send the kid first and given our present policy of nondeportation and sending them to a family somewhere domestic in the United States, get them secure?

Then you would be able to evade and move and maybe get into the border on your own and then get reunited with your family.

Secretary JOHNSON. I have to tell you, I—the conditions for me to—my kids are 18 and 19. But the conditions for me to part with them when they were 8 or 9 and say, "Go have this thousand-mile journey and I will see you later," would have to be pretty dire before I would give up the responsibility for——

Mr. SANFORD. If I am not mistaken, I think a billion people around the earth live on like a dollar a day or some astoundingly low number. I don't remember the exact statistic.

But I mean, I think there are a number of dire circumstances around the globe, which goes back to conditional versus an absolute border.

One last question since I am out of time. I think that, you know, there was frequent reference to "I don't think the law allows me to send an unaccompanied minor home." My question to you would be which comes first, the law or the Constitution? Because as I read through the 14th amendment, I think the Constitution is fairly clear on what citizenship entails.

Secretary JOHNSON. Well, let me be clear. I don't believe that the law would allow us to send an unaccompanied child home in an expedited removal proceeding.

They are given notices to appear. Deportation proceedings are begun when they are apprehended.

Mr. SANFORD. But for practical purposes, as the testimony with you on the other hand suggested once they are here, they are here? You didn't refute that.

Secretary JOHNSON. Well, the law requires that once a child is identified as unaccompanied, CBP has to give them to HHS, and they do what is in the best interest of the child. That is what the law passed by the Congress requires.

Mr. SANFORD. Understood, and I am out of time unfortunately. I know you have to go, but thank you very much for your testimony, sir. Yield back.

Chairman McCAUL. Thank you. Let me thank the witnesses for your testimony.

Mr. Secretary, let me personally thank you for showing up on such a short notice on such a very important issue. I know you didn't create this. You inherited this. I know you are working hard to resolve it, and I pledge the support of this committee to work with you towards that effort. With that—Members may have additional questions in writing.

Without objection, this committee stands adjourned.

[Whereupon, at 12:31 p.m., the committee was adjourned.]

CRISIS ON THE TEXAS BORDER: SURGE OF UNACCOMPANIED MINORS

Thursday, July 3, 2014

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
McAllen, TX.

The committee met, pursuant to call, at 12:00 p.m., at South Texas College, Technology Campus, Room 193, Building B Auditorium, Hon. Michael T. McCaul [Chairman of the committee] presiding.

Present: Representatives McCaul [presiding], Broun, and Jackson Lee.

Also present: Representatives Granger, Green, Olson, Farenthold, Ellmers, Salmon, Barletta, Swalwell, and Vela.

Chairman McCaul. The Committee on Homeland Security will come to order.

The committee is meeting today in McAllen, Texas to examine the crisis on the Texas-Mexican border regarding unaccompanied children.

First I would like to thank everybody, including the witnesses and Governor Perry, for being here today.

I also would like to thank South Texas College for their hospitality in hosting us here today, and Dean Mario Reyna as well.

I appreciate the effort taken on behalf of all those involved to have this important field hearing.

This is an official Congressional hearing, as opposed to a town hall meeting, and as such, we must abide by certain rules of the Committee on Homeland Security and the House of Representatives. I kindly wish to remind our guests today that demonstrations from the audience, including applause and verbal outbursts, as well as the use of signs or placards, are a violation of the rules of the House of Representatives. It is important that we respect the decorum and the rules of the committee.

I have also been requested to state that photography and cameras are limited to accredited press only.

Before I recognize myself for an opening statement, I ask unanimous consent that the gentlewoman from Texas, Ms. Granger; the gentleman from Texas, Mr. Gene Green; the gentleman from Texas, Mr. Olson; the gentleman from Texas, Mr. Farenthold—it is good to have a lot of Texans here today—the gentlewoman from North Carolina, Mrs. Ellmers; and the gentleman from Arizona, Mr. Salmon, be permitted to sit on the dais and participate in today's hearing; and the gentleman from Pennsylvania, Mr. Barletta, as well.

Without objection, so ordered.

I also ask unanimous consent that a written statement from Texas Border Coalition be included into the record.

Without objection, so ordered.

[The information follows:]

STATEMENT OF THE TEXAS BORDER COALITION

JULY 3, 2014

Chairman McCaul and Members: Thank you for this opportunity to submit my statement on behalf of the Texas Border Coalition. Our concern is the urgent need for collaboration with local community leaders who understand this region, as Federal and State officials respond to the current humanitarian and security situation here on the border. Only by working closely with border communities can any State- or Federal-level response hope to be successful.

The Texas Border Coalition is made up of elected and business leaders who strive to speak on behalf of 2.1 million Americans in 17 border counties of the 1,250-mile Texas-Mexico border. Ours is a region of contrasts, exhibiting differences and similarities of language, culture, tradition, and economy. The multi-national, multi-cultural nature of our communities on both sides of the international boundary gives our region a distinct sense of place.

The Texas Border Coalition welcomes your committee to the border region today, even for the solemn purpose of this hearing. Those of us who live, work, and raise our families here experience daily the tremendous vitality of our border communities, and we welcome each of you to experience a little of the region we call home. However, all too often the attention of State and Federal officials only turns our way in times of real or perceived crisis. And so it is today.

There is a humanitarian and security crisis in progress here, and although it has only recently captured the attention of the National media, this situation has been unfolding for over a year. In recent months, tens of thousands of unaccompanied minors, some heartbreakingly young, have entered the United States illegally. Most of them have travelled here from Central America. They are lured by the mistaken belief, partly spread by criminals who profit from their journey, that they will be allowed to remain in the United States. Some of the youngest are with their mothers and some have relatives in the United States, but most of these children are totally alone.

There are those who argue that the influx of illegal child immigrants proves the failure of border security, but that argument misses the point. Unlike other undocumented immigrants, these children are not trying to hide. As soon as these children enter U.S. territory, they are eager to turn themselves in to the authorities, because they believe what the traffickers have told them; they believe the Government will let them stay.

To the contrary, many of them are housed in deplorable conditions in our summer heat or dropped off at a bus station to find their way to relatives, in preparation for legal proceedings to determine whether they can be deported back to their home countries.

So now they're here, and you're here. The Rio Grande Valley, which is my home and has been all of my life, is probably just about as foreign to many of you as it is to the Central American children. But to our local business and community leaders, this is home. Leaders like my neighbor and fellow TBC member Mayor Jim Darling of McAllen, whose community has responded swiftly and generously to the needs of these Central American children and families. Our local and county leaders know our border region like you know your home towns, and we can and should play a crucial role in the State and Federal response to this situation.

I urge you to form a partnership with local and county elected leaders, local law enforcement agencies, business leaders and our faith community to find real solutions to the influx of immigrant children. This does not need to be, and should not be, a formal, bureaucratic process that takes months to convene. The problems are too pressing. We need a straightforward collaborative process that gets local leaders to the table with State and Federal decision makers to develop practical, real-world solutions to these problems. And we need to figure out a way to fairly compensate the communities that shouldered the burden.

Texas Border Coalition is on the record in many different forums about the dire need for more investments at the border crossings to increase manpower, upgrade technology, and modernize infrastructure. We welcome Congressional interest in expenditures on border security in response to the flood of children from Central

America. However, without immediate and on-going collaboration with local border communities, the proposed billions in Federal tax dollars for “aggressive deterrence,” and State and Federal law enforcement resources require local collaboration and local knowledge of the needs of border communities to be successful.

We suggest dealing immediately with the crisis that confronts the children trekking here from Central America. Our communities have been working closely with other local governments, law enforcement agencies, community groups, and faith partners to make sure we can continue to aid the humanitarian effort. I am proud of these efforts and the contributions of many of our citizen volunteers and donors.

Congress needs to craft solutions that deal with the long-term problems that underpin this situation. For example, U.S. efforts to partner with the Mexican government to help improve their economy have helped reduce the numbers of Mexicans seeking illegal entry into our country. We should do the same with Central American nations to improve their economy and security situations.

Congress also needs to deal with a failed immigration system that fosters lawlessness. TBC recognizes the difficulty of the task, both in term of policy and politics. However, the reality remains that until you tackle immigration reform, no amount of security spending is going to achieve your desired ends.

Thank you again for travelling to our border home and for your interest in finding solutions for the current situation. The Texas Border Coalition stands ready to partner with State and Federal officials to craft practical solutions that fit border communities and relieve human suffering, while making smart, effective improvements to border security. We look forward to working alongside you to resolve this crisis.

Chairman McCAUL. I now recognize myself for an opening statement.

Here in Texas, we are facing an escalating refugee and National security crisis. Since October, more than 50,000 unaccompanied minors have crossed our Southern Border into the United States. Nearly two-thirds of those crossed here, right here in the Rio Grande Valley Sector. CBP estimates that next year more than 150,000 unaccompanied children may attempt to cross the U.S.-Mexico border.

These children are being exploited by the drug cartels who are turning a profit by smuggling these kids into the United States at a cost of \$5,000 to \$8,000 per child. Many are under the age of 10, traveling thousands of miles along through Mexico from Central America on buses or so-called “death trains.” These children are often subjected to beatings, starvation, sexual assault, and are at risk of being trafficked. As a father of five, I cannot fathom handing my child over to a criminal element and setting them out on this long and dangerous passage.

When they arrive in the United States, they are told to turn themselves in to the nearest Border Patrol Agent. Border Patrol stations like the one we saw here today in McAllen become holding facilities until these minors can be moved to Lackland Air Force Base in San Antonio or another appropriate shelter. But the point is our military bases are turning into refugee camps. I never thought I would see this in the United States of America.

We saw three children younger than my kids—7, 8, and 9—with their grandmother, mothers in Pennsylvania, all in tears, crying. I have to say on a personal level what an impact that had for me to see that just as a human, and the human, compassionate element to this. But I believe it is our policies driving this migration into the United States.

It is obvious that the Department of Homeland Security is currently not adequately prepared to deal with this influx of unaccompanied children. This has left State and local officials to fill the

void, and it takes the Border Patrol away from their main mission, and that is securing the border.

This week, the White House started a process to request additional funding and measures to address this crisis, including the additional authority to remove these Central American children as well. In addition, the White House wants to enhance penalties for smuggling children, similar to legislation that I introduced last week. I look forward to reviewing the details of the President's request.

To fix this crisis, the administration must first recognize that its failed immigration and border policies are the source of this problem. At the hearing I held in Washington last week, the committee heard repeatedly that the horrible economic conditions and violence in Central America were the only reason why these children are coming. No one questions the fact that the circumstances in these countries are terrible, but these conditions are not new and they have not suddenly gotten worse.

What is new is a series of Executive Actions by the administration to grant immigration benefits to children outside the purview of the law, a relaxed enforcement posture, along with talk of comprehensive immigration reform. Just this week, the President defiantly vowed to take more administrative actions on immigration very soon. Such unilateral actions and failed policies, in my judgment, are what caused this dire situation here in Texas in the first place, and could cause it to be worse. The message these policies are sending is that if you come, you can stay. This makes its way back to Central America, and more children are being put in the arms of the cartels. In fact, newspapers there seem to be encouraging illegal immigration based on these policies, and recent internal DHS surveys of these children reveal that more than 70 percent believe they are going to remain here in the United States.

In some ways, this is true. While these kids and families are given notices to appear, the reality is that it will take years to work through the immigration system. To break this cycle, we need to send a message of deterrence: First, mandatory detention; and then we should explore ways to properly return those who come here illegally. Not doing so puts more young lives at risk of exploitation, like the children we saw here today.

In addition, we should also better engage with the government of Mexico to step up their efforts to secure their southern border. We appropriate millions of dollars to Mexico for this purpose. The problem begins with Mexican officials who turn a blind eye to Central Americans who cross the porous Mexican border, and I urge the president of Mexico at this hearing, and his interior minister, to get serious about securing their southern border as well.

Securing the border is the obligation of the Federal Government. States should not be required to protect what is the Federal Government's responsibility under our Constitution. But in spite of that, Governor Perry has boldly recently announced that he will surge border security operations along the border to make up for the administration's failures. The President needs to immediately send the National Guard to the Southwest Border to free up Border Patrol Agents so they can perform their primary mission, and that is securing the border.

Drug cartels and other criminals have and will continue to exploit any weakness in our border security efforts. We must stem the flow and stop children from being subjected to this dangerous and sometimes fatal journey.

I look forward to hearing from Governor Perry and our other witnesses here today about the situation on the ground and what more DHS and the administration and the Congress can and should be doing to address this problem. The details from today's hearing will be incorporated into the findings of the Speaker's Working Group chaired by Congresswoman Kay Granger and established to investigate and make recommendations in a solution-oriented way to address this crisis.

Finally, we saw the heroic actions of our Border Patrol here today. I have seen them over my countless years of dealing with this issue, trying to resolve this issue, and I just want to thank them for their efforts day in and day out in what is oftentimes a thankless job for what I would consider to be the heroes that we have alongside our Southwest Border, and also for the compassion and the care that they provide these children crossing. I can only imagine, as a father and as a human, what runs through their minds on a daily basis dealing with children and oftentimes babies that we are finding at these detention centers.

So thank you not only for myself, but I know I speak on behalf of this entire delegation. We thank you for your heroic efforts.

[Applause.]

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

JULY 3, 2014

Here in Texas we are facing an escalating refugee and National security crisis. Since October, more than 50,000 unaccompanied minors have crossed our Southern Border into the United States—nearly two-thirds of those crossed here in the Rio Grande Valley. CBP estimates that next year more than 150,000 unaccompanied children may attempt to cross the U.S.-Mexico border.

These children are being exploited by the drug cartels who are turning a profit by smuggling these kids to the United States at a cost of \$5,000 to \$8,000 per child. Many are under the age of 10, traveling thousands of miles alone through Mexico from Central America on buses or so called “death trains.” These children are often subjected to beatings, starvation, sexual assault, and are at risk of being trafficked. As a father of five, I cannot fathom handing my child over to a criminal and setting them out on this long and dangerous passage.

When they arrive in the United States, they are told to turn themselves into the nearest Border Patrol Agent. Border Patrol stations, like the one we saw here in McAllen today, become holding facilities until these minors can be moved to Lackland Air Force Base in San Antonio or another shelter. Our military bases are turning into refugee camps—I never thought I would see this in America.

It is obvious that Department of Homeland Security is not adequately prepared to deal with this influx of unaccompanied children. This has left State and local officials to fill the void and takes the Border Patrol away from securing the border. This week, the White House started the process to request additional funding and measures to address this crisis, including the additional authority to remove these Central American children. In addition, the White House wants to enhance penalties for smuggling children, similar to legislation I already have introduced. I look forward to reviewing the details of these requests.

To fix this crisis, the administration must first recognize its failed immigration and border policies are the source of the problem. At the hearing I held in Washington last week, the committee heard repeatedly that the horrible economic conditions and violence in Central America were the only reason these kids are coming. No one questions the fact that the circumstances in these countries are terrible, but these conditions are not new, and they have not suddenly gotten worse.

What is new is a series of Executive Actions by the administration to grant immigration benefits to children outside the purview of the law—a relaxed enforcement posture—along with talk of comprehensive immigration reform. Just this week, the President defiantly vowed to take more administrative actions on immigration very soon—such unilateral actions and failed policies are what caused this dire situation here in Texas in the first place.

The message these policies are sending is “if you come, you can stay.” This makes its way back to Central America, and more children are put in the arms of the cartels. In fact, newspapers there seem to be encouraging illegal immigration based on these policies. And recent internal DHS surveys of these children reveal that more than 70% believe they are going to remain here.

In some ways, this is true. While these kids and families are given “notices to appear,” the reality is that it will take years to work through the immigration system.

To break this cycle we need to add in some real deterrence—first, mandatory detention and then we should explore ways to promptly return those who come here illegally. Not doing so puts more young lives at risk of exploitation.

In addition, we should also better engage with the government of Mexico to step up their efforts to secure their southern border. The problem begins with Mexican officials who turn a blind eye to Central Americans who cross the porous Mexican border. I urge the president of Mexico and his interior minister, to get serious about securing their borders as well.

Securing the border is the obligation of the Federal Government. States should not be required to protect what is the Federal Government’s responsibility under our Constitution. However, Governor Perry recently announced that he would surge border security operations along the border to make up for the administration’s failures.

The President needs to immediately send the National Guard to the Southwest Border to free up Border Patrol Agents so that they can perform their primary mission—securing our border. Drug cartels and other criminals have and will continue to exploit any weakness in our border security efforts.

We must stem the flow and stop children from being subjected to this dangerous, and sometimes fatal, journey. I look forward to hearing from Governor Perry and our other witnesses here today about the situation on the ground and what more DHS and the administration can and should be doing to address this problem. Details from today’s hearing will be incorporated into the findings of the Speaker’s Working Group established to investigate and make recommendations to address this crisis.

Finally, I want to recognize the tireless efforts of our Border Patrol for their compassion and care they provide to these children. Thank you from myself and all the Members here with us today.

Chairman McCAUL. The Chairman now recognizes the active Ranking Member, the gentle lady from Texas, Ms. Sheila Jackson Lee, for an opening statement.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much for your courtesies of extending me the time as the Ranking Member of this subcommittee, and I give you greetings from the Ranking Member of the full committee, Mr. Thompson.

You ended just as I would like to begin, and that is, Governor, to thank all of you here in the State of Texas that have always risen to accept the challenge, and it is my personal commitment, along with my colleagues, that as the President has put forward the \$2 billion to address this humanitarian crisis, that Texas will stand in the very noble position to receive the funding necessary for reimbursement but to continue some of the hard work that you have already engaged in.

We thank your Department of Health that has been absolutely unending; your DPS, Texas Rangers. I am very grateful that you have offered your commitment. You know that we worked together during Hurricane Katrina, and again Texas opened her heart to receive those who were in great need.

So let me acknowledge that the Federal Government is doing its work—I think that is going to be my role today—but that we can always do a better job. So I do want to take note of the Border Patrol and thank them for the work they have done in 207,000 arrests from fiscal year October 2013 and on-going. They have not diminished in the assignment that we have given them. ICE, on the other hand, likewise. Last year, 107,000 deportations in this region, now 115,000.

I think it is a failing concept to suggest that the Federal Government is not doing its job. But we have a humanitarian crisis, and let me just for a moment acknowledge State Representative Tony Dale here in Texas, State Representative Allen Fletcher, and let me acknowledge the chairman of the board of South Texas. I know these are all constituents of Congressman Rose Benavidez. I also want to acknowledge Mr. Swalwell of the San Francisco Bay area. Thank you for being here. Mr. Gene Green of Houston, thank you. Our own Congressman Filemon Vela, who has been here throughout this time frame, and he has been working in his district. He represents all throughout the Rio Grande Valley. We want to acknowledge Senator Hinojosa, who is here as well. Let me thank you so very much for all that you all have done.

So I believe that this is a humanitarian crisis, and I know in Washington we use the term “humanitarian,” and I think we need to continue to use that terminology because if we look and do our homework, we will find out that, according to the United Nations—we don’t have to make it up—these children have been forcibly displaced. Anyone, as my Chairman has indicated, that has spent time loving and hugging and seeing these children, listening to the Border Patrol Agents, as I have done, going from McAllen and Brownsville, going out on the Rio Grande and going up and down, seeing the hard work the Border Patrol is doing, but they will tell you these are the most orderly, behaved children who simply want an opportunity to be free from the murderous conditions from which they flee.

I ask the question: Is not America that great? As we are on the edge of the Fourth of July, a time that reflects all of us fleeing from those of—our ancestors fleeing from persecution, and then announcing the greatness of this Nation, are we not able to address a humanitarian crisis? I think we are.

So let me offer to you something that cannot be refuted. The three Central American countries have among the highest per capita homicide rates in the world, with Honduras topping the list and the other two nations in the top five.

When the Bishop testified in Washington, DC, Governor, he indicated that he has spoken to individuals who had, in fact, said to them that their children would be killed dead on the spot if they did not join a gang. What would any of us do as parents? We would take them and we would flee.

Now, let me make it very clear, the South Texas region needs our help, and they have done an enormous job. The Baptist Center, the Catholic Charities and Sacred Heart that we were able to visit, and even the volunteers that have been able to come into the detention centers, they have done a magnificent job.

But it is very important to know that a massive deportation policy for children and a mandatory detaining for children is not a humane thing to do. We must find a way to follow the law. Republicans voted for the law in 2008, and that is the law that transfers these children to Health and Human Services.

Now, maybe we need added help. We are all across America looking for facilities, and I might add that there are people raising their hand. I spoke to people in Dallas. I have spoken to people in Houston. I imagine there are people beyond our boundaries ready to offer these facilities so these children can go through the normal court proceedings.

I am ready to provide funding for more ICE officers, more resources for the Border Patrol, more help for the State, but in particular the Border Patrol that gives them more technology, that gives them more resources down here on the border, that adds more ICE officers for transport and other necessary ERO responsibilities. More immigration judges and more infrastructure work is what we are prepared to do.

But I do believe that we should be cautious; cautious in rushing to judgment on any form that would detain children.

So, Mr. Chairman, I am here to listen. I am very delighted to have the opportunity to hear from very distinguished Members, as well as our Governor, and as well as Bishop Seitz who was there before.

But I do want to end on this note. I do want to end on this note. I always like to take things when I visit people who are detained for reasons that are not of a criminal nature, whether it is to visit with those in Darfur or to be able to engage in Afghanistan, or to be able to talk to children wherever they are, homeless children.

These are lollipops. I took lollipops, along with my colleagues, into those detention centers where children were. I wasn't armed. I wasn't fearful for my life. This is not a National security crisis. This is a humanitarian crisis. So the question is how can we, as good Americans and Republicans and Democrats, do what the Chairman has said, be able to have in place an orderly process that people will know that crooks and criminals and thieves and smugglers and traffickers who are lying to them in Central America cannot be coddled? That is who we should go after. But the children should be given the basic coverage of the law that is in existence today that will allow us to treat them in a humane way.

I hope this hearing will give us the additional insight to be able to do this. I do believe that the United States is doing and following the law, but we need to do better, and I look forward to doing so as we proceed in this hearing.

I yield back.

[The statement of Hon. Jackson Lee follows:]

STATEMENT OF HON. SHEILA JACKSON LEE

JULY 3, 2014

I thank Chairman McCaul for holding today's hearing on unaccompanied children crossing our Southern Border.

I am pleased to join Members from the Committee on Homeland Security and welcome my Congressional colleagues who have traveled to Texas.

I would like to specifically acknowledge the presence of Rep. Filemon Vela, who represents a district here in the Rio Grande Valley, and who has been very engaged on the issue before us today.

This year, the Border Patrol has apprehended over 50,000 unaccompanied children crossing our Southern Border.

My colleagues and I had the opportunity to visit the local U.S. Customs and Border Protection (CBP) facilities where many of these unaccompanied children, along with family units and others, are being processed by the Border Patrol.

To look at the faces of the children, many of whom are very young, is to understand that this situation is first and foremost a humanitarian crisis.

I am troubled by testimony submitted today that speaks to cartels and crime, which have nothing to do with the issue at hand.

I hope we can keep that distinction in mind in our discussion today.

These children are not perpetrators or criminals—they are, in many cases, victims.

They are fleeing persistent violence and dire economic circumstances in Guatemala, Honduras, and El Salvador, and are seeking a safe haven in the United States, as so many people before them have done.

According to the United Nations Office on Drugs and Crime, these three Central American countries have among the highest per capita homicide rates in the world, with Honduras topping the list and the other two nations in the top five.

Many of these children are also likely undertaking the dangerous journey to reunite with family members in the United States, in the absence of action on comprehensive immigration reform.

As a parent, I can only imagine what kind of desperation prompts mothers and fathers to hand their children over to smugglers or send them on a perilous journey to the United States in the hope of a better life.

I also would like to commend the men and women of the Border Patrol for their hard work responding to this situation and express my sincere appreciation for their professionalism under the most difficult circumstances.

Despite these challenges, and due to the additional resources in the area, Border Patrol's effectiveness rate has actually increased—from 67 percent at this time last year to 78 percent this year.

Also, it is my understanding that Border Patrol is meeting its goal of processing unaccompanied children within 24 hours.

Unfortunately, the process appears to break down after that point.

The Trafficking Victims Protection Reauthorization Act, signed into law by President Bush in 2008 and its language was supported by many Members of this Committee, both Democrat and Republican.

The law requires that unaccompanied children taken into custody, screened, and transferred to the Department of Health and Human Services Office of Refugee Resettlement within 72 hours.

However, unaccompanied children are currently in CBP custody for an average of 5 days, apparently due to a lack of bed space.

Last night in Brownsville, we saw an unaccompanied 3-year-old child who had been in CBP custody for days and days.

Despite Border Patrol's best efforts, the Department of Health and Human Services had not yet taken custody of the little girl.

So the older girls in CBP custody with her were keeping watch over the child, passing her care to others as they were transferred elsewhere.

This is unconscionable.

We will be asking the Department of Health and Human Services about this delay and what can be done to address it.

All Federal agencies, not just DHS, must do their part.

Today, I hope to hear from our Border Patrol witness, Chief Oaks, about the current situation at the border, how his agents are managing the influx of unaccompanied children, and what additional resources he may need.

I also hope to hear from the Hidalgo County Judge, Mr. Garcia, about any local impacts this situation is having on his community.

And finally, I hope to hear from Bishop Seitz about the "push factors" driving families to send their children to the United States, as well as what Catholic Charities and other similar organizations are doing to assist these children and families in the Rio Grande Valley and across the Southern Border.

In closing, I hope we can use today's hearing to engage in constructive dialogue and avoid political grandstanding.

Sensationalizing or politicizing the situation does nothing to fix the problem.

Protesting buses of innocent children being transported for processing is not indicative of who we are as Americans.

We must be better than that as a committee, as a Congress, and as a Nation. Again, I thank the witnesses for joining us today. I look forward to a productive hearing. I yield back.

Chairman McCaul. I thank the Ranking Member. I would like to associate myself with your remarks with respect to thanking our Department of Public Safety. Members are reminded that statements may be submitted for the record.

[The statements of Hon. O'Rourke and Hon. Hinojosa follow:]

STATEMENT OF HONORABLE BETO O'ROURKE

JULY 3, 2013

Chairman McCaul, thank you for holding today's field hearing. On June 24, 2014, the Committee on Homeland Security held its first hearing on this subject and I appreciate the Chairman's willingness to continue this important conversation. I would also like to acknowledge and thank Bishop Mark Seitz from the Catholic Diocese of El Paso, U.S. Conference of Catholic Bishops for testifying at today's field hearing. Bishop Seitz brings a unique perspective to this subject and the findings from his January 2014 report titled "USCCB: Mission to Central America: Flight of the Unaccompanied Immigrant Children to the United States" provides great insight into the current situation our country is facing today.

With the increasing numbers of unaccompanied children and families arriving at the U.S.-Mexico border, we must understand who these individuals are, what is propelling them to travel on a very dangerous journey, and what can be done to best address their welfare. I am especially proud of my district of El Paso, Texas, which has stepped up in recent weeks and responded in a coordinated effort to address this current crisis and provide relief to migrants in need. The El Paso Border Patrol (BP), led by Chief Patrol Agent Scott Luck and Assistant Chief Patrol Agent Robert Boatwright, Immigrations and Customs Enforcement (ICE) Field Office Director Adrian Macias, and Assistant Director Jesus Placencia, and Ruben Garcia, Director of Annunciation House that has provided the needed social services to migrants and their families transferred to El Paso, each deserve special recognition for their work. The many other front-line personnel from Customs and Border Protection (CBP) and ICE also deserve thanks for their tireless work over the past months and weeks. I will also continue working with CBP to ensure that El Paso is treated equitably with other Border Patrol sectors for transfers of families from the Rio Grande Valley.

The dramatic flow of children and families across the Southwest Border is a symptom of a humanitarian crisis, not a security one. While I agree to a certain extent that more can be done in Mexico, for example, to help secure their border, we must address push-factor issues in the countries of origin if we hope to stem the flow of unaccompanied children and families to the United States. I commend the administration's plan to increase foreign aid to Mexico, Guatemala, El Salvador, and Honduras, with a focus on strengthening citizen security, gang prevention, youth development, public policy campaigns, and reintegration and repatriation programs. However, for this to be successful, metrics must also be developed to ensure that this money is being spent wisely and achieving its intended goals. Further, Mexico must work with its Central American neighbors to strengthen institutions sustaining the rule of law and protect human rights.

Lastly, I would like to comment on President Obama's June 30, 2014 letter to House and Senate leadership. While President Obama will be submitting a formal detailed request for an emergency appropriation when Congress returns from recess, I want to ensure that any request Congress considers maintains a balanced approach between deterrence of migration and the protection of children and families seeking safety. Protections afforded through current laws, such as the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, are essential and should not be sidestepped for the sake of rapidly deporting individuals back to their home country. Additional resources should be for the purpose of ensuring fair and humane treatment of migrant children and families fleeing violence and persecution and addressing the root cause of migration in their home countries.

I hope that the Homeland Security Committee, and other Members in Congress, can continue to have a balanced discussion about the causes and solutions to the crisis we are currently facing along our border.

STATEMENT OF HON. RUBÉN HINOJOSA

JULY 3, 2014

As the Representative for the 15th Congressional District of Texas, I must express my views regarding the humanitarian crisis we currently have along the U.S.-Mexico border. To be clear, this is not just a border crisis. In fact, we have several crises that our Nation must resolve if it intends to fully address the issue of migration and the thousands of unaccompanied children from Central America who are entering the United States through our Southern Border. The majority of these unaccompanied children are classified as Other Than Mexican (OTM) and have traveled from El Salvador, Honduras, and Guatemala.

According to the U.S. Department of Health and Human Services (HHS), which cares for the children post-apprehension by the Border Patrol, approximately 3,100 unaccompanied children remain in Customs and Border Patrol (CBP) custody in the Río Grande Valley. So far, 60 percent of the children are being reunited with a parent and 20 percent are reunited with a family member. HHS reports about 340 children are apprehended daily along the South Texas border.

Just last week, several of my Congressional colleagues and I were able to tour the U.S. Department of Homeland Security's facilities in South Texas and visit some of the unaccompanied children who have fled their countries due to unprecedented levels of crime and violence. During our tour, I was able to witness first-hand all that is being done by our Federal agencies and charities to help these refugees.

Touring the facilities, however, was not easy. There were young children without mothers or fathers and young boys and girls with just the clothes on their backs. As a father and grandfather, I can't begin to imagine the pain and emotional toll that these children have experienced in the past several weeks.

I was also saddened to hear that the body of a young boy from Guatemala was found in the desert, just a few miles from our Southern Border. According to news accounts, this boy was found with the rosary still around his neck and his brother's Chicago phone number scribbled on the inside of his belt buckle. This child had hoped to reunite with his brother in Chicago.

To be sure, the Federal Government must protect and care for these refugees in the most humane way possible, ensuring that they receive the appropriate housing, medical services, and education they need while they are in our care. Some of the conditions that these children and mothers have to endure are deplorable, and we must correct this immediately.

Along the same lines, the Federal Government must do more to mitigate the death of migrants on our Southern Border. According to the Texas Civil Rights Project, from 2011–2013, there were approximately 278 unidentified bodies found in Falfurrias, Texas, Brooks County alone. This is clearly unacceptable. It is also worth noting that Brooks County is one of many Deep South Texas counties that continue to incur the cost of burial services for unidentified migrants. There is no doubt in my mind that we must do more to end the prevalence of migrant deaths on our Southern Border as well as offer assistance to rural communities.

In the short term, there are steps that Congress can take to address these crises. Congress can help by providing Federal funds to local governments, charities, and nonprofit organizations that are assisting these refugees with basic necessities. For example, the city of McAllen has already provided much-needed assistance to these refugees. Congress can also reimburse local governments and nonprofit organizations to cover cost of burial services for unidentified migrants and for the work they are doing to help families on both sides of the border identify the human remains of loved ones.

With regard to comprehensive immigration reform, there is a great deal that Congress can do now in the 113th Congress. While my Republican colleagues may simply call for increased border security, I believe that we in Congress have a responsibility to tackle these issues in a holistic manner. Simply put, comprehensive immigration reform is long overdue, and Congress must work to fix our broken immigration system now.

Finally, while I applaud the President's request of Congress to approve and move Federal emergency funds to be used to address the humanitarian crisis and to send much-needed resources to the Southern Border, I strongly believe that Congress and the administration can do more to support our Central American neighbors in tackling some of the economic, security, and social challenges that have led to increased levels of crime and violence in their nations. To this end, I support increasing Federal funding for the Millennium Challenge Corporation and the Central American Regional Security Initiative to assist Central American nations in strengthening their judicial, security, and educational systems and in promoting sustained eco-

conomic growth and poverty reduction. By working more closely with our Central American neighbors, I am confident that we can solve some of these complex problems.

In closing, I simply want to underscore the urgency of the issues I have outlined above and the need to take positive and constructive steps to resolve them. With this in mind, I urge my colleagues to work in a bipartisan manner to pass comprehensive immigration reform in the 113th Congress and to work to address the humanitarian crisis on our Southern Border.

I also ask for unanimous consent to enter the attached letter from Ambassador Rubén Zamora of El Salvador into the hearing record.

Thank you.

ATTACHMENT.—LETTER FROM AMBASSADOR TO THE UNITED STATES RUBÉN ZAMORA,
EMBASSY OF EL SALVADOR

JUNE 30, 2014.

The Honorable RUBÉN HINOJOSA,
Chairman, Congressional Hispanic Caucus, U.S. House of Representatives.

DEAR CHAIRMAN HINOJOSA: I would like to refer to the meeting held on June 18th, 2014 and convey to you and to the Members of the Congressional Hispanic Caucus our appreciation for convening such an important discussion to address the significant surge in the number of Unaccompanied Alien Children (UAC's) migrating to the United States. Also, I would like to thank you for the letter dated June 27th, 2014 that you sent to me and to the Ambassadors of the Republics of Guatemala and Honduras regarding the same topic.

As pointed out in the discussion, this situation needs to be handled in a comprehensive way considering not only the pull factors, but also the push factors that motivate the departure of our nationals from their local communities. It has been widely stated that those factors include not only the citizen insecurity in the region but also the economic challenges that are holding back the creation of better opportunities for our youth and for our citizens in general.

As the president of El Salvador, Mr. Salvador Sanchez Cerén, mentioned to U.S. Vice President Joseph Biden during his visit to Guatemala last June 2011, a humanitarian approach to the current crisis at the U.S. Southwest Border is a proper way of dealing with this unfortunate circumstance that is affecting our children and their families. However, President Sanchez Cerén also reiterated the necessity that all incumbent parties at all levels be committed to solving this crisis in order to provide an adequate, timely, and coordinated response that is sustainable in the long term.

As you are aware, one of the efforts that the Government of El Salvador has been implementing with the government of the United States since 2011 is the Partnership for Growth (PFG). This initiative was conceived to cope with two major challenges identified as key elements to address some of the root causes of the adult and youth immigration flows. Those challenges identified are citizen insecurity and the lack of economic opportunities which have been cited as causes of UAC's coming into the U.S.

Additionally, after a successful completion of the First Compact of the Millennium Challenge Corporation (MCC), El Salvador submitted a Second Compact proposal aimed at developing the coastal maritime zone of the country. The above-mentioned Compact was approved by the MCC but its implementation has since been delayed. Nonetheless, under the current conditions, the prompt execution of said Second Compact is an imperative as it was entirely envisioned to improve the business climate, to trigger new domestic and foreign investments, and to further develop a skilled human capital in El Salvador.

These are some of the efforts that the Government of El Salvador has clearly projected to create in-country job opportunities for Salvadorans, in the understanding of our role as key catalyst for the promotion of fair living conditions and motivation for their local development. Moreover is also crucial to provide viable options to our citizen's aspirations in helping the Central American countries remain competitive at a regional ground.

Finally, El Salvador has been making great strides in implementing outreach campaigns focusing in Municipalities that are lenient toward migration, such as the one titled "Si estás pensando en migrar, el primer paso es informarte" or "If you are thinking of migrating, the first step is to inform yourself." This Embassy will be glad to provide you with additional information about this campaign should you require further details.

Therefore, it is our hope that jointly we can find common ways to address not only the heartbreaking situation faced by our kids at the border, but also the above-re-

ferred motivational causes that ultimately generated such unsafe and perilous journey to the United States. The Government of El Salvador stands ready to enhance our cooperation with the United States around these and other issues of mutual concern in order to improve the lives of the citizens of our nations.

Chairman Hironaka, we recognize your longstanding leadership in this and other regional issues and truly value your reiterated gestures of solidarity with our country. We look forward to continued conversations with you and the United States Congress, and avail ourselves of this opportunity to reiterate our respect and esteem.

RUBÉN ZAMORA,
Ambassador.

Chairman McCRAW. Steve McCraw, thank you for your efforts; our border sheriffs; the Catholic Church. I had a good visit with the Bishop last night about their role in terms of deterring these children from making the journey in the first place.

I will end with this. The three little girls that I talked to with their grandmother this morning on the river, on the raft, literally got turned over and fell into the water and almost drowned. These girls were traumatized. They were crying, and they wanted to go back home to Guatemala. We don't know what future lies ahead of them, but I think the better route is to stop it in the first place.

With that, I would like to introduce Governor Perry, longest-serving Governor in the State of Texas.

STATEMENT OF THE HONORABLE RICK PERRY, GOVERNOR, STATE OF TEXAS

Governor PERRY. Mr. Chairman, thank you. To each of you, thank you for coming. This is an historic moment, and many of you I have had the privilege to work with for a long time.

Gene, you and I in the House of Representatives back some 20-plus, almost 30 years ago.

Sheila, 20 years' worth of working with you.

Mr. Chairman, I cannot think of an individual who I would rather have sitting in the Chair of Homeland Security than yourself because of your background, because of who you are, your passion.

Kay, I want to say to you in particular, thank you for leading the Speaker's Working Group on Humanitarian Crisis on the Southern Border.

Sometimes the public doesn't think we work together too well. I might have been critical of Washington a time or two.

[Laughter.]

Governor PERRY. But the fact is, this is an opportunity for us as Americans, not as Democrats or Republicans but as Americans, to deal with an issue that the world is watching.

Again, I just want to say thank you in a very heartfelt way for coming to the border of Texas not only to see this humanitarian crisis that faces us but also to find the solutions.

Senator Hironaka and I have had the privilege to work together for some 30-plus years and to find solutions. We play on a different team on the political side of things, but we have worked together so many times to find solutions to challenges that face us as a State, and that is how I look at this one, as working with you as our Federal partners and finding ways and solutions.

Let's make no mistake about it, there is more than one crisis happening on the U.S. border. The first, as has been very elo-

quently on display here in just the first two speakers, is a humanitarian crisis.

Michael, as you and Sheila and you all have seen yourselves, the power of what is going on, of this growing number of individuals who are crossing our border illegally, and so many of them are children. Last week I, too, was here at the McAllen facility, and Kevin took us through, and we saw these children being housed as they await action by Washington.

Whether it is the right decision from my perspective to immediately deport them or the short-sighted and tragic decision to essentially turn them loose in the United States, some may think by allowing them to stay here that it is a more humane option, and I assure you, it is not. Let me assure you and share with you why I think that. Nobody is doing any of these children the slightest favor by delaying the rapid return to their countries of origin, which in many cases is not Mexico.

Allowing them to remain here will only encourage the next group of individuals to undertake this very, very dangerous and life-threatening journey. Those who come must be sent back to demonstrate, in no uncertain terms, that risking your lives on the top of those trains and the ways that they are coming here, it is not worth that. Even those who have survived this very treacherous journey are still at risk. We have already had one confirmed case of H1N1. David Lakey, Dr. Lakey can address that if you need some more information about that.

We have been informed by our Federal partners of two additional cases of Type A influenza that are likely to be H1N1, in addition to reports of other illnesses and diseases that you all have read about.

The second crisis that is going on on the border is one of National security. The rapid influx of illegal immigration has strained the Border Patrol and the resources that they have and that we have put on ourselves as a State; and, frankly, they are already insufficient for the task at hand. Officials who should be guarding the border are dealing with the overflow instead of fulfilling their primary task.

So as a result, the border between the United States and Mexico is less secure today than at any time in the recent past, which is exactly the reason that the Lieutenant Governor, the Speaker and I, and members of the Legislature ordered this additional surge that Director McCraw is overseeing, as well as John Nichols with the National Guard.

We know that the drug cartels and these transnational gangs are already seeking to take advantage of the situation. They are attempting to circumvent security and spread this pain and suffering on both sides of the border through their criminal activities.

We are also in danger at the hands of those who might be slipping through from countries who have known terrorist ties, a wide range of potential threats that are facing us from abroad. This is not the time to be distracted by something else. That is why Texas has taken steps to supplement its law enforcement operations along the border.

Currently, we are directing an additional \$1.3 million over and above what we have already put into place. I might add, this is in

addition to a half-a-billion dollars that the State of Texas has already expended on border security since 2005. This is not a new issue for us. Our current operations include increased DPS aircraft patrols, maritime operations, utilization of the Ranger recon teams. These are folks who are very quickly able to respond to areas where suspected activity is taking place.

Madam Jackson Lee, I readily welcome the funding President Obama has publicly announced. But I also ask the following things of the Federal Government. First, increase the Texas National Guard units that are involved in border security operations. That includes—and, Kay, you and I worked together to keep some aviation assets here in the State because we know how important those are. But to keep those Lakota UH-72 aircraft in Texas in this operation.

Second, if the U.S. Border Patrol is going to release illegal immigrants into our communities to await a court date, every one of them needs to be medically screened to ensure their health, and also the health of our citizens as well.

Third, Texas needs to be reimbursed for the \$500 million-plus that we have spent securing the border over the past decade. We have been fulfilling a Federal responsibility, and the hard-working people of the State of Texas shouldn't have to shoulder that cost by themselves.

Finally, my message to President Obama is to secure this border, Mr. President, finally address this issue and secure this border. Invest sufficient resources to put an adequate number of Border Patrol Agents on the ground permanently, utilize existing technology, including drones and other assets that we know—we know how to do this. Steve McCraw can share with you how to secure that border. We have done it before.

So again, I want to say thank you to each of you for loving your country and your respective States and your service in the United States Congress. Thank you very much.

[The prepared statement of Governor Perry follows:]

PREPARED STATEMENT OF RICK PERRY

JULY 3, 2014

Good afternoon. I'd like to open my remarks by thanking and commending the Members of this committee who made the trip down here. Chairman McCaul is demonstrating true leadership in elevating the visibility of what's happening along the border.

I would also like to recognize Chairwoman Granger, who is leading the Speaker's Working Group on the Humanitarian Crisis at the Southern Border, and other Members of Congress who are here today in response to these on-going crises.

And make no mistake, there is more than one crisis happening along the U.S. border.

The first is a humanitarian crisis, suffered by a growing number of individuals crossing our border illegally . . . many of them just children.

Last week, I witnessed the difficult conditions these children are being housed in while they await action by Washington, whether it's the right decision to immediately deport them, or the shortsighted and tragic decision to essentially turn them loose in the United States.

Some might think allowing them to stay is a more humane option, I assure you, it is not.

Nobody is doing any of these children the slightest favor by delaying a rapid return to their countries of origin, which in many cases is not Mexico.

Allowing them to remain here will only encourage the next group of individuals to undertake the same life-threatening journey.

Those who have come must be sent back to demonstrate, in no uncertain terms, that risking their lives to cross Mexico and enter our country simply isn't worth it.

Even those who have survived the treacherous journey are still at risk.

We've already had one confirmed case of H1N1 in Texas, and have been informed by our Federal partners of two additional cases of Type A influenza that are likely to be H1N1, in addition to reports of other illnesses at other detention facilities.

The second crisis is a crisis of National security.

The rapid influx of illegal immigrants has strained border resources that were already insufficient to the task at hand. Officials who should be guarding the border are dealing with the overflow instead of fulfilling their primary tasks.

As a result, the border between the United States and Mexico is less secure today than at any time in the recent past, which is why we ordered the new surge.

We know that drug cartels and transnational gangs are already seeking to take advantage of the situation, attempting to circumvent security and spread pain and suffering on both sides of the border through their criminal activities.

We're also in danger at the hands of those who might be slipping through from countries with known terrorist ties. With a range of potential threats facing us from abroad, this is not the time to turn our attention elsewhere.

That's why Texas has taken steps to supplement its law enforcement operations along the border.

Currently, we're directing \$1.3 million in additional funding per week to increase our law enforcement efforts through at least the end of the calendar year. This is in addition to the more than \$500 million we've committed to border security since 2005.

Our current operations include increased DPS aircraft patrols, maritime operations, and the utilization of Ranger Recon teams, who are able to quickly respond to remote areas where suspected activity is taking place.

I welcome the funding President Obama has publically announced, but also ask the Federal Government for the following:

First, increase the Texas National Guard units involved in border security operations . . . That includes keeping the fleet of UH-72 Lakota aircraft in Texas to continue its vital missions.

Second, if the U.S. Border Patrol is going to release illegal immigrants into our communities to await a court date, every one should be medically screened to ensure their health and the health of our citizens.

Third, Texas should be reimbursed for the \$500 million we've spent securing the border over the past decade. We've been fulfilling a Federal responsibility, and the hardworking people of Texas shouldn't have to shoulder that cost on their own.

And finally, secure this border once and for all. Invest sufficient resources to put an adequate number of Border Patrol Agents on the ground permanently, and utilize existing technology, including drones, to help plug the gaps in security operations currently being filled by Texans.

Thank you again for the opportunity to appear before this committee. I am happy to answer any questions you may have.

ATTACHMENT

SUMMARY/ROLE BY TEXAS AGENCY

Dept. of State Health Services (DSHS)

DSHS, its health service regions, and local health departments in the Rio Grande Valley are monitoring the situation to evaluate the impact on public health in Texas. DSHS officials have visited U.S. Customs and Border Protection (CBP) shelters and ports of entry that hold UACs until they can be processed for placement with the Federal Office of Refugee Resettlement (ORR). A sampling of conditions observed at CBP facilities includes: Overcrowding; potential for infectious disease outbreak; lack of medical screening; lack of separation area; and extreme heat. These visits have informed the suggestions made to the Federal Government about what standard public health precautions need to be considered in CBP temporary detainment facilities. CBP has been provided with information about infectious disease, hygiene issues, and Texas communicable disease law. Texas has also offered its expertise to Federal entities as they establish standard operating procedures and contingency plans for hurricanes and disease outbreaks.

- *Costs Incurred.*—\$23,000 for 1,915 flu vaccines that were State-purchased. Texas will be reimbursed the full amount.
- DSHS could incur future costs if there is an infectious disease outbreak.
- *Anticipated Action if Border Crisis Continues.*—Texas has recommended the Centers for Disease Control (CDC) partner with DSHS to conduct inspections

of facilities where children are being held to ensure mass shelter standards are applied. There will also be continued cooperation with locals to monitor health resource needs and direct calls offering volunteer medical services to locals.

Dept. of Family and Protective Services (DFPS)

DFPS' Residential Child Care Licensing (RCCL) division licenses, monitors, and investigates any allegations of abuse/neglect at private facilities who contract with ORR to provide placements for UAC.

- *Costs Incurred.*—At this time, DFPS has not incurred any additional costs. The State has received requests for the agency to waive requirements from the State's minimum standards of care, on a short-term basis, for currently-licensed facilities who house minors. These requests have been absorbed into each region's normal workload. Examples of approved requests include allowing more than four children per room or allowing facilities to use cots instead of beds.
- *Anticipated Action/Costs if Border Crisis Continues.*—RCCL—If ORR expands permanent capacity in Texas, the State will have an increased number of facilities to license, monitor, and investigate. CPS—The process for vetting the caregivers to whom these children are being released is unclear. If abuse/neglect does occur, these children or families could have contact with Child Protective Services.

Dept. of Health and Human Services (HHSC)/Office of Immigration & Refugee Affairs (OIRA)

OIRA does not play a current role in the current border crisis because: (1) State statute only authorizes OIRA to assist refugees and legal immigrants; and (2) the OIRA Program at HHSC is designated by the Federal Office of Refugee Resettlement (ORR) to oversee services to refugees in Texas. OIRA is 100 percent Federally-funded by the ORR and funds are designated for refugee services.

- *Costs Incurred.*—None.
- *Anticipated Action/Cost if Border Crisis Continues.*—There is no anticipated action by OIRA in the future because in order to assist in the current border crisis OIRA would require a change in State statute to authorize OIRA to assist illegal immigrants and there would also need to be new State and/or Federal funding to support any new services to illegal immigrants.

Dept. of Public Safety (DPS)

Texas has directed DPS to immediately begin law enforcement surge operations on the border to combat criminal elements taking advantage of our porous border and overwhelmed Federal resources (due to Border Patrol being diverted from its security mission to process and care for the influx in illegal immigrants). Current operations include: Trooper Strike Teams, Ranger Reconnaissance Teams, aircraft patrols to identify criminal and suspicious activity, maritime patrols using shallow water interceptors equipped with automatic weapons, and additional resources.

- *Costs Incurred.*—\$1.3 million per week for border surge operations beginning June 18, 2014.
- *Anticipated Action/Costs if Border Crisis Continues.*—Continue with enhanced DPS operations; \$36.4 million for a 28-week surge (June 18–December 31); or \$67.6 million for a year.

Texas National Guard

Lacking arrest authority, the Texas Military Department supports the border mission through target identification, personnel tracking, and counter-drug operations. The National Guard and State Guard forces work closely with DPS and USBP, bringing expertise and equipment to the theater otherwise unavailable to law enforcement. Air assets have proven a critical capability for the National Guard on the border. There are currently 239 National and State Guard troops conducting border operations. Current operations, since 2012, air-centric operations—heavily reliant on UH-72 Lakota aircraft—have resulted in an almost 70% increase in detection & interdiction compared to ground-based operations.

- *Costs Incurred.*—
 - There are six UH-72 Lakota aircraft in the Texas National Guard operated by Counter Drug for mission support on the border. The total cost to operate is \$8.3 million annually.
 - Task Force Liberty operates eight UH-72 Lakota aircraft stationed at the border. The total cost to operate is \$15.5 million annually.
 - The 42 Texas State Guard stationed on the border cost \$2.3 million per year, paid for with a contract with DPS.
- *Anticipated Action/Costs if Border Crisis Continues.*—

- Mission costs will continue to accrue as long as the National Guard has the funding and a relevant mission on the border.
- As pressure at the border has increased, the Guard has had to limit its number of flight days due to inadequate funding and limited numbers of pilots. Operational safety requirements limit the number of hours per month a pilot may fly. Pilots are maxing out their flight hours earlier and earlier in the month because there is such high demand for their support.
- Texas has requested the use of drone technology capabilities of the National Guard, which could be significantly expanded. Drones have longer loiter times, lower fuel and personnel costs, and allow for expanded border surveillance, better target observation, and improved apprehension support.

Border Sheriff's Coalition

Texas Border Sheriffs have responded to the need for increased patrols to assure public safety, have coordinated with Customs and Border Protection as illegal immigrants turn themselves in to local law enforcement, and have participated in the humanitarian effort.

- *Costs Incurred.*—None yet calculated.
- *Anticipated Action / Costs if Border Crisis Continues.*—Border Sheriffs will need more resources and manpower to ensure public safety if the surge of illegal immigration continues.

Texas Education Agency (TEA)

TEA is currently not playing a role within the current border emergency because of the end of the school year. Come the start of the 2014–2015 school year TEA is anticipating impact from a continued border crisis, but cannot fully estimate impact until schools enroll students. A school district is required to educate any child enrolled in the school district. But the responsibility of enrolling is placed on the parent/guardian of that child. Any incarcerated child (previously this included Federally-detained children) is excluded from being required to attend school unless the facility makes accommodations with a local school district to enroll their children.

- *Costs Incurred.*—None yet calculated.
- *Anticipated Action / Costs if Border Crisis Continues.*—
 - State funding is reactionary and based on the number of students enrolled within a school. The Average Daily Attendance funding of approximately \$7,500 per student will be required from the State by the local school districts. Should a significant number of these children remain in Texas, and enroll in school, the State will face significant costs. Federal funding is based on the previous year's students served. There is little ability for the Federal Government to provide additional dollars quickly.
 - All students must be immunized before attending school, but homeless students are exempted. Again how these students are classified will weigh heavily on the requirements for their enrollment and DSHS would need to weigh in on this requirement.

HOW MUCH TEXAS HAS SPENT ON BORDER SECURITY

Texas has had to fill in the gaps left by the Federal Government—allocating over \$500 million since 2005 for border security through new technology, improved communications equipment, law enforcement personnel, and other resources.

Breakdown by biennium:

- 2006–2007.—\$2.4 million (border security operations center and technology).
- 2008–2009.—\$110,274,772 (helicopters, new technology, increased State law enforcement officers on the border, & overtime for local law enforcement).
- 2010–2011.—\$94,092,579 (boots on the ground, Texas Rangers, Texas Task Force II, narcotics enforcement, aircraft operations, border operations center, technology training, & crime lab).
- 2012–2013.—\$153,689,712 (boots on the ground, vehicles, tools to identify cartels & gangs, surveillance aircraft, video link technology from helicopters to mobile command posts & patrol boats, operating costs for patrol boats, & joint operations & intelligence centers).
- 2014–2015.—\$108,943,963 (boots on the ground, vehicles, computers, joint operations & intelligence centers, & marine unit tools).

*Note that the biennium figures do not reflect total increases in salaries and benefits for State law enforcement officers stationed along the border. In addition, the figures do not include certain other State-wide funded items of which a portion goes to the border.

**Note that Texas has not been reimbursed for any costs.

SUMMARY—IMPACT THE CURRENT BORDER CRISIS HAS HAD ON TEXAS

- Diverted Border Patrol from its security mission to processing and caring for the increased number of illegal immigrants apprehended, which has left our border even more exposed to criminal elements.
- Strained resources available to the State if a disaster were to occur, such as a hurricane. Contractors the State uses for disaster response are being contracted with by the Feds to assist in the UAC border crisis.
- *Anticipated.*—DFPS. Continued loss of foster care capacity. ORR pays on a per-bed basis and at a higher rate than the State. Residential Treatment Centers and Child Placing Agencies will turn their beds over to ORR, reducing the number available for children/youth in State foster care.
- *Anticipated.*—DFPS—CPS. The process for vetting the caregivers to whom these children are being released is unclear and may suffer abuse/neglect by these caregivers. If abuse/neglect does occur, they will have contact with Child Protective Services.
- *Anticipated.*—Public Ed. Increased enrollment in schools because the UACs will be enrolled in local schools districts when they are placed with family or friends waiting for their immigration court date.

Border Apprehension Data

- *From 2010 to 2013.*—91% increase in apprehensions along the TX-Mexico border; 158% increase in apprehensions in the RGV sector.
- In the first 9 months of this fiscal year, U.S. Border Patrol has apprehended over 160,000 illegal immigrants in the Rio Grande Valley (RGV), surpassing the 154,453 apprehensions made in the preceding fiscal year in the RGV.
- In Federal fiscal year 2013, 52% of those apprehended along the TX-Mexico border were from countries other than Mexico (OTM).
- This year, record high numbers of OTMs are crossing the U.S.-Mexico border:
 - So far this Federal fiscal year, 181,724 OTMs have been apprehended along the entire U.S.-Mexico border, surpassing the 148,988 OTM apprehensions last fiscal year.
 - So far this Federal fiscal year, 137,181 of these OTM apprehensions occurred in Texas, compared with 125,883 last fiscal year.
- Since May, Border Patrol has been apprehending over 1,100 illegal immigrants a day in the RGV—with over 200 a day being UAC (UACs are only 18% of those illegally crossing).
- UAC apprehensions along the U.S.-Mexico border have increased 99% from this same time last year (over 52,000 UAC apprehensions so far in fiscal year 2014 compared to over 26,000 UAC apprehensions this same time last year).
- UAC apprehensions in the RGV border sector have increased 178% from this same time last year (over 37,000 UAC apprehensions so far in fiscal year 2014 compared to over 13,000 UAC apprehensions this same time last year).
- U.S. Dept. of Homeland Security (DHS) projects total UAC apprehensions along the U.S.-Mexico border this fiscal year will be a 132% increase from those in fiscal year 2013 (90,000 UAC apprehensions this year vs. 38,759 last year); 142,000 projected for fiscal year 2015.

Additional Border Security Data

- In 2013, the Texas Department of Public Safety (DPS) documented illegal border crossings by persons from countries with ties to terrorism, such as Bangladesh, Albania, Somalia, Syria, Pakistan, and Afghanistan.
- TX border sectors, combined, have 7 Border Patrol Agents per border mile, while the other Southwestern Border sectors have 17 Border Patrol Agents per border mile.
- Federal resources are overwhelmed as UACs and families fill Federal detention facilities, requiring the diversion of a large number of USBP agents from their mission of securing our border to care for these people.

ATTACHMENT

THE HUMAN COST OF FAILED BORDER POLICIES

TEXAS GOVERNOR RICK PERRY (OP-ED)

June 25, 2014

The first thing I saw was a boy crying. Terrified and sobbing against the window of the holding cell, he couldn't have been more than 12 or 13. The room was full

of other young boys, their curious eyes peering out at us as we walked by. These were the ones who made the trip alone.

The room next door was filled to overflowing with mothers and children, some covered in foil blankets, lying on the cement floor. The next room over, empty, except for the garbage that was being swept away in preparation for its next wave of occupants.

When we stepped outside, I heard a baby wailing over the hum of the industrial fans and the steady words of the Federal official giving the tour. The sheer number of people in such a small space made it difficult to quickly pinpoint the source, but I finally spotted the baby being held by a young mother in the quarantine area taped off in the back. The otherwise quiet crowd simply stared back at us. The very real human consequences of our country's lax border security and muddled immigration policies huddled right there, under an open shelter in the stifling Texas heat.

This is the McAllen Border Patrol detention facility, where men, women, and children of all ages who have illegally entered the United States are detained and processed. Some are caught attempting to cross the border, while some give themselves over willingly. Many are children from Central America traveling alone, who have paid coyotes to smuggle them through Mexico or made the trip on the tops of freight trains. All have quite literally risked their lives to set foot in our country.

It's impossible to see these children without wondering how many more were lost somewhere along the way. The desert's a dangerous place to begin with, even before the worst of summer's brutal heat arrives, and the border is trafficked by treacherous individuals who see fellow humans as an expendable means to turn a dollar.

What's happening along our Southern Border is a mounting tragedy, its root cause Washington's failure, diplomatically and strategically, to address our border security and illegal immigration problem.

To be clear, the Federal officials who operate these facilities daily are doing the best they can with what they have, trying desperately to keep up with a seemingly unending tide of immigrants coming to our border because they've heard current U.S. policy will quickly reunite them with loved ones in our country.

This is a complex situation and a growing humanitarian crisis that will require a multifaceted solution. But it's a situation I fear our President will continue to brush off until he has seen it first-hand.

The United States needs to act decisively. First off, the Federal Government needs to make it crystal clear that attempting to cross our border illegally simply isn't worth the considerable risk. People in Guatemala, El Salvador, Honduras, and elsewhere who are considering making the trip need to know that they will be immediately sent back to their country of origin when they're detained, not sent to various locations across the United States or placed in the care of loved ones.

Secondly, the United States Government needs to send more resources to finally, once and for all, secure the border. Federal engagement was insufficient to begin with, and the crush of illegal entrants is draining what resources they had in the area. These gaping holes are just waiting to be exploited by drug cartels and transnational gangs, and create a National security issue as they could be used by people from countries with known terrorist affiliations.

That's why Texas has directed the State's Department of Public Safety to amplify its law enforcement operations along the border, targeting the criminals seeking to take advantage of this humanitarian crisis.

This is a problem, however, beyond the scope of just one State. We'll do what we can, but it's up to Washington to move quickly to ease the suffering I witnessed Monday afternoon, suffering that is mirrored in Federal facilities across the border States.

Until they step up to the task, that suffering will continue, as will the tragedies we don't even know about taking place on both sides of this unsecured border.

ATTACHMENT

LETTER SUBMITTED FOR THE RECORD BY GOVERNOR RICK PERRY

AUGUST 21, 2009.

The Honorable BARACK OBAMA,
President of the United States, The White House, 1600 Pennsylvania Avenue, NW,
Washington, DC 20500.

DEAR MR. PRESIDENT: As violence in northern Mexico continues, it is paramount that our international borders be secured to ensure the safety of our citizens and the security of our homeland. To reiterate my standing request with your administration, I respectfully ask that you authorize the use of 1,000 Title 32 National

Guard personnel in support of civilian law enforcement along the Texas-Mexico border. This is the most viable solution to provide an immediate improvement to U.S. public safety and increased patrol presence along our border.

I am deeply troubled by news reports about disagreements between federal agencies preventing Guard personnel from being deployed to the border region. Please use the authority of your office to quickly fix this situation and get the 1,000 troops we need to Texas.

The security situation in the border region remains a serious one. Last year, Mexican organized crime cartels, which dominate the lucrative drug and human smuggling market, were responsible for 6,290 organized crime murders in Mexico, including 1,600 across the river from El Paso in Ciudad Juárez. Drug cartels have resorted to using terroristic tactics, employing former military commandos and transnational gangs such as the Barrio Azteca, Texas Syndicate, MS-13, and the Mexican Mafia. Last month, Border Patrol Agent Robert Rosas was shot and killed on U.S. soil while responding to a report of a border incursion. He is one of 50 Border Patrol officers targeted by gunfire since 2008.

Cartels are also recruiting American teenagers to conduct cartel operations on both sides of the border. Laredo teens and Los Zetas members Gabriel Cardona and Rosalio Reta are currently serving sentences of life and 70 years, respectively, for seven murders carried out on the U.S. side of the border.

U.S. border security must be improved in the interest of safety and economic opportunity in the United States and Mexico. I have spoken with former border governor and current DHS Secretary Janet Napolitano a number of times, and have requested the following National Guard security plan for the Texas border region:

- 600 personnel to be deployed with 24 Border Reconnaissance Platoons, with 25 personnel each, to cover 20 locations;
- 125 personnel to support Texas Parks and Wildlife Department (TPWD) maritime operations;
- 175 personnel to support air operations, command and control, and military personnel support functions; and
- 100 personnel to support TPWD and Texas Ranger Tracking Teams.

Since my original request in January 2009, I have received no indication that Texas will be getting the boost in personnel needed to fill in the gaps along our border and protect our communities.

As you and your administration consider deploying Guard troops to the U.S.-Mexico border, please ensure sufficient deployment duration and authorize Title 32 status. Title 32 will maximize the efficacy and capabilities of these additional personnel by allowing them to be seamlessly integrated into our state's proven and successful multi-agency border security strategy. Texas has unique border security challenges and threats, with which we are keenly familiar on the state level.

While helpful, the additional investigative resources recently authorized for the southwest border do not diminish the need for additional uniformed patrol resources to significantly increase the visible presence along the border, which would detect and deter cartel and transnational gang operations.

I hope you will approve Texas' request for 1,000 Title 32 National Guard troops, under the control of the governor, to be deployed to the Texas-Mexico border. Enhanced border security is critical to our collective homeland security, and an improved law enforcement effort along the border will help families and employers on both sides live safer, more secure and more prosperous lives.

Sincerely,

RICK PERRY,
Governor.

ATTACHMENT

LETTER SUBMITTED FOR THE RECORD BY GOVERNOR RICK PERRY

MAY 4, 2012.

The Honorable BARACK OBAMA,
*President of the United States, The White House, 1600 Pennsylvania Avenue, NW,
Washington, DC 20500.*

DEAR PRESIDENT OBAMA: There are many consequences of having an unsecure border. Not only are drug seizures up and cartels infiltrating our communities, but, as your administration is fully aware, there is a surge of unaccompanied illegal minors entering the United States. Aside from being part of an obvious humanitarian crisis, these unaccompanied illegal minors have left the federal government scrambling to triage the results of its failed border security and immigration policies.

This is precisely what happens when the federal government refuses to recognize its responsibility for our nation's immigration and border security, and fails to immediately work with the countries of origin to return these unaccompanied illegal minors to their homes. On a recent conference call, a member of your own administration indicated that fewer than 10 percent are deported.

To be clear, Texas has been working diligently to protect the immediate health and safety of our citizens and the unaccompanied minors now in our state. However, by failing to take immediate action to return these minors to their countries of origin and prevent and discourage others from coming here, the federal government is perpetuating the problem.

Inaction encourages other minors to place themselves in extremely dangerous situations. The vast majority of these unaccompanied illegal minors come from Guatemala, El Salvador and Honduras, as well as Mexico. In the first six months of this fiscal year, reports indicate more than 5,200 unaccompanied minors have crossed the border illegally into the United States, with more than 1,300 arriving in March alone. This represents an increase of more than 90 percent over the same period last year. On their journey, they are exposed to violent and ruthless criminal organizations and many are robbed, assaulted, kidnapped, seriously injured or even killed. But the dangers don't end there for them, or for our citizens. Recently, dozens of these minors have had to be quarantined due to a measles scare and an outbreak of chicken pox, providing a warning of the additional risks this situation poses.

These unaccompanied illegal minors should be cared for in their home countries, rather than burdening our already unsustainable entitlement systems. Projections indicate the number of illegal crossings will continue to increase. With no long-term plan to address this situation, the federal government is simply ignoring the fiscal, health and social interests of our own citizens. We cannot and should not be held responsible for the citizens of other nations.

Every day of delay risks more lives. Every child allowed to remain encourages hundreds more to attempt the journey. Our country can no longer provide the temptation for these unaccompanied minors to engage in this tragic and illegal migration. To end it, the federal government must stop new arrivals at the border, repatriate those already here and prevent and discourage others.

I have asked my staff to further work with the U.S. Department of Homeland Security to determine the extent of this situation and seek answers to questions your administration has thus far been either unwilling or unable to answer.

I urge you to begin immediate consultation with governments of the countries of origin. These nations must assume responsibility for their own citizens, recognizing that they have the power and ability to prevent this dangerous situation.

This must stop, Mr. President, and it is your responsibility to make that happen.

Sincerely,

RICK PERRY,
Governor.

ATTACHMENT

LETTER SUBMITTED FOR THE RECORD BY GOVERNOR RICK PERRY

JUNE 20, 2014.

The Honorable BARACK OBAMA,
*President of the United States, The White House, 1600 Pennsylvania Avenue, NW,
Washington, DC 20500.*

DEAR PRESIDENT OBAMA: I write to invite you to visit Texas to see firsthand the humanitarian crisis unfolding as a result of the massive influx of unaccompanied alien children (UAC) crossing our border with Mexico. There is no doubt that I have disagreed with you and your administration on many policies over the years. This crisis, however, transcends any political differences we may have. The safety and security of our border communities is being threatened by this flood of illegal immigration, and the crisis worsens by the day.

While I am encouraged by your recently announced initiatives to more aggressively repatriate illegal immigrants back to their countries of origin, and provide additional aid to those countries to combat violence and security issues that prompt many of their citizens to flee to the United States, these steps only address symptoms of the problem.

The problem remains our porous border and federal policies encourage, rather than discourage, illegal immigration. The federal government must commit the resources necessary to truly secure our border and adopt policies that won't reward those who come here by releasing them on their own recognizance with a Notice to

Appear (NTA) in federal court. In the current system, these notices effectively amount to a “free pass” into our country with little to no consequences for failure to comply.

All of these problems and solutions are the responsibility of the federal government, but Texas cannot sit idly by waiting for a resolution while our communities become overwhelmed by illegal immigrants and their need for the basic necessities of food, shelter and sanitation. That’s why, in an effort to stem the tide, we have authorized the Texas Department of Public Safety to conduct law enforcement surge operations combatting criminal activity associated with illegal immigration and drug trafficking. This effort will cost our taxpayers approximately \$1.3 million per week.

Therefore, I respectfully request the following immediate actions from your administration:

Under Title 32, deploy an additional 1,000 National Guard troops to the Texas-Mexico border, including additional Lakota helicopters, and give the National Guard arrest powers to support Border Patrol operations until sufficient Border Patrol resources can be hired, trained and deployed to the border.

Direct the Federal Aviation Administration to allow the National Guard to utilize Predator drones along the Texas-Mexico border for identifying and tracking human and drug trafficking.

Direct the Centers for Disease Control or another appropriate federal agency outside the Department of Homeland Security (DHS) to conduct, in conjunction with the Texas Department of State Health Services (DSHS), inspections of facilities in which illegal immigrants, including UACs, are being housed to ensure accepted international and national emergency sheltering standards are met. Preliminary reports from DSHS officials who have visited such facilities indicate insufficient bathroom facilities, lack of adequate water supplies and other conditions that could result in epidemics of pertussis, tuberculosis and other diseases. The conditions affect not only the UACs but also employees working there and the community at large when those detained are released.

Modify or rescind policies that serve as a magnet to encourage illegal immigration, including:

- DHS Catch and Release policies by which DHS issues an illegal immigrant an NTA before an immigration judge and releases them. The U.S. Department of Justice reports that 33 percent of those released on their own recognizance failed to appear in FY 2013.
- DHS policies specifically regarding UACs from countries other than Mexico (OTM) that prohibit the agency from immediately deporting UACs back to their country of origin. After DHS processes OTM UACs, DHS issues an NTA, locates a relative in the United States, and delivers the OTM UAC to a relative, regardless of the relative’s immigration status.

Mr. President, the complex situation along the border is deteriorating, and it requires a multifaceted approach to resolve, and must begin with border security. On behalf of Texas’ 26 million residents, I request you take immediate and decisive action.

Sincerely,

RICK PERRY,
Governor.

Chairman MCCAUL. Thank you, Governor. We appreciate your efforts, your leadership. The State of Texas has stood up where I think the Federal Government has failed in this border security effort.

I do think with a crisis comes a call to action. So I agree with you, now is the time. Now is the time to finally secure the border. We have been talking about this, Steve McCraw and I, for many, many years. It is time to get it done, and I can’t think of a better reason to do it.

I want to go back to a letter, Governor, you wrote in 2012 to the President of the United States, Barack Obama. I think you recognized before anyone, early on, what was getting ready to happen, a very prescient letter where you stated, “Every day of delay risks more lives,” and you are talking about the unaccompanied children issue.

At that time, 5,000 minors had crossed. You said, "Every child allowed to remain encourages hundreds more to attempt the journey. Our country can no longer provide the temptation for these unaccompanied minors to engage in this tragic and illegal migration. To end it, the Federal Government must stop new arrivals at the border, repatriate those already here, and prevent and discourage others to prevent this tragic and illegal migration."

This letter was sent in May of 2012.

Governor PERRY. May, a little over 2 years ago.

Chairman MCCAUL. What response did you receive from the President of the United States?

Governor PERRY. We haven't yet. This is a bigger issue than just the UAC issue. Partly because we live with this every day here, those of us who spend time in the State, particularly those individuals who live on the border, we had a Border Affairs Committee in 1999 that we put together because we realized that this was an area of the State that had, frankly, been overlooked for way too many years from Austin, Texas.

Julia and Eddie and others who have been just champions of supporting the El Paso to Brownsville, the entire border region of Texas. So bringing to the attention of Washington, and not just this administration but previous administrations as well, some of the challenges that we have here, particularly with border security. But this issue of the children, the first time it was brought to our attention was over 2 years ago.

Again, hindsight is always a lot clearer. But had we addressed this diplomatically, had we addressed in El Salvador and Honduras and Guatemala and in Mexico, as well as on the border with the securitization of this border, we would most likely not be here today with the tragic events at hand with these children who are now coming in massive numbers because they think, they have been told, they have been manipulated, they have been threatened that if you will come here, you can stay in America.

We are a country of laws. We have to respect those laws. If we do not today clearly send the message of you cannot come into the United States just because somebody is handing out a flyer, then this is only going to get worse, and a humanitarian crisis will turn into a monumental tragedy for those children and, I would suggest to you, for citizens along this border, because these great men and women of the Border Patrol are being distracted from their primary responsibility of defending and securing this border from some pretty evil people, and we cannot afford that. They have to have some relief. They have to have some support.

Chairman MCCAUL. Thank you, Governor. I would submit that had these warnings been heeded 2 years ago, then perhaps we wouldn't be having this conversation here today.

As a father, as a former Federal prosecutor, deterrence works. A message of deterrence does work. As you said, if the message is we are open for business, you can come in and can stay, they will continue to come until we send a different message.

I would like to pivot to, going back to, again, a crisis and a call to action, securing the border. You called for the deployment of the National Guard. I agree with you, sir. I know you sent a letter to the President. So have I. I have had extensive discussions with the

Secretary of Homeland Security, Jeh Johnson. We are fortunate to have the Adjutant General of the National Guard sitting behind you.

We need to do that, but we need to do it in a way where the National Guard can do their job, what they are trained to do. I think what the frustration has been, whether it was Operation Jump Start or Phalanx, even though it is under Title 32 authority of the Governor and the State, they have been relegated to essentially pushing paper behind desks. What I am concerned with in this situation, they will be processing children rather than doing what I think they can do best, and that is get the border secure, and working with Border Patrol in a law enforcement capacity as well.

I know you have called for that in a letter. I know you can activate them under Title 32. There is a Department of Defense policy, unfortunately, out there that states that they cannot be used in what is called an operational role but rather a supportive role, which would be, again, pushing paper behind a desk and processing children.

My question to you is: We can change the policy if we really get the administration's attention that we need to change that policy. People in this State want the National Guard down there to do the job they can do. Can you tell me what your position is with respect to that DOD policy?

Governor PERRY. Obviously, we have requested, I think since 2009, 1,000 National Guard troops to be temporarily on the border until 3,000 Border Patrol Agents could be trained to take their positions in a permanent way under Title 32, which obviously the State of Texas would not have to be picking up the cost of that, and appropriately so from my perspective.

But, Mr. Chairman, I would say, and I think General Nichols would share with you this in detail, as well as Director McCraw, but the Border Patrol has been—excuse me, the National Guard has been actively engaged here. They have been doing substantive operations here. We just don't have the numbers that we need.

I mean, I think this goes back to the entire conversation that we need to have, finding solutions, which is what I hope we are really all about here today as we go forward, boots on the ground. Both Steve McCraw and John Nichols will share with you that you can secure the border, because we have done it in sectors. We have not had the resources and the manpower for a 1,200-mile-plus border, which we are dealing with here.

But we have those resources in this country. I mean, we can do this. I know we can do this. It is just a matter of having the wherewithal, the courage, and the desire, because I know we have the resources.

So I think this is really not that difficult a task from the standpoint of how to do it. Do we have the will to do it I think is the bigger issue here that we face as a country.

Chairman MCCAUL. I think the will is there, certainly now. I will argue that they have been operational in a very limited role in counter-drug operations, but not in terms of border security across the border.

Governor PERRY. That is correct.

Chairman MCCAUL. I think you would share my feelings and position that we need to expand that use.

Governor PERRY. Yes, sir.

Chairman MCCAUL. If we are going to deploy the National Guard, let's let them do their job.

Governor PERRY. Yes, sir. We do not need to have them have one arm tied behind their back in this process. I mean, if we really care, if we really care about this border that we know today is, in fact, being penetrated by individuals from countries that have strong terrorist ties, if we really care about protecting our citizens, we need to use all of the personnel that we have available to do that. I don't think any of us, if we knew that there were bad people coming into our neighborhood, that we would not want the police to use every resource that they have to keep our citizens safe, and that is really what this is about.

I mean, the unaccompanied children issue is a humanitarian crisis, and we know that. But they are being used. They are being used by very vile individuals to detract from the role of our Border Patrol and our other law enforcement. When your enemy changes tactics, then you are going to be forced to change your tactics too, or you are going to be defeated.

So this is a tactical issue that the drug cartels, from my perspective, are engaged in, and we have known about it for a couple of years. I will be honest, I don't think we have been quite nimble enough from a National security standpoint to deal with it.

Yes, it is a humanitarian crisis that is growing every day. But it is being driven by National security penetration by drug cartels.

Chairman MCCAUL. Governor, thank you for your leadership.

The Chairman now recognizes the Ranking Member.

Ms. JACKSON LEE. Governor, thank you so very much for your testimony, and thank you for your concern.

All of us as representatives are always interested in our constituents. You happen to have all of us in the entire State of Texas, and that means that you have the families and friends and local government officials that are here in this region. My colleague, Congressman Filemon Vela, is the only one here at the table besides my good friend Congressman Farenthold that are in the region, as I understand it. Some of us are in other places in Houston.

So I have taken the opportunity to listen to some of those voices over the years as a Member of the Homeland Security Committee, and they are very jealous, if you will, about the richness of their community. They have some challenges. Some of them are not for fences. Some of them have a great deal of confidence in the Border Patrol. Some of them are in agriculture. In fact, as we were on the Rio Grande, in the area there, we saw sugar cane coming up almost to the edge of the water. Those are challenges that the Border Patrol has, but that is private land.

Governor PERRY. Indeed.

Ms. JACKSON LEE. So I would just ask a simple question. Should we respect and engage with the citizens in this region about how we approach the safety and security of the border even though it is a Government responsibility, a Federal Government responsibility? You have been kind enough to join it. But isn't that, that we should take note of the different terrain in this area?

Governor PERRY. Yes, ma'am. Thank you for bringing up the agricultural aspect of this area of the State. For 8 years I had the great privilege to be the Agriculture Commissioner. As a matter of fact, Sheriff J.E. Guerra was one of my mentors, and there were some extraordinary individuals who I had the opportunity to work with.

As we have discussed how you deal with Mexico, which is our No. 1 trading partner, and the agricultural aspect of that, as this debate raged through the years that we are going to build a fence from Brownsville to El Paso, and people who don't know Texas, people don't understand the massive amount of land, the private property that would be impeded upon, if you will, from the standpoint of their privacy.

Ms. JACKSON LEE. So we should take that into consideration.

Governor PERRY. Oh, absolutely, you should take it into consideration. It is the reason that I would suggest that so many of the private landowners have been very, very open about allowing the Border Patrol to come on their land. Actually, as a side note I wanted to share with you, one of the problems that we have here is some of these private preserves, these private preserves that are environmental preserves that have been put into place over the course of the last few years; and, Mr. Chairman, it is something that I think the committee should take a look at because they are not being allowed access, it is my understanding, by the Border Patrol and by the law enforcement, and they have become somewhat havens.

Listen, the drug cartels know these things very quickly.

Ms. JACKSON LEE. If I might, Governor, I have a short period of time, so I will let you finish that sentence. I appreciate it. I have some other questions for you.

Governor PERRY. Right. But my point is that I am sure that we could go up and down the Rio Grande and find folks on both sides of this issue.

Ms. JACKSON LEE. My point is, the point I am trying to make is that sometimes we offer suggestions from the Federal Government or the State government and we are not engaging the local community.

I want to get to the point of maybe taking issue with whether we are as safe as we were pre-9/11, or pre-ramping up the Border Patrol. I have been on Homeland Security now since the very beginning. Border Patrol Agents were 4,000; they are now 21,000. We get intelligence reports, and for a period of time we heard a lot about OTNs and the intrusion of individuals coming from the Middle East. I frankly believe the Border Patrol has control of that. Every Border Patrol Agent that I spoke to, and leadership, over these 3 days indicated that they are decidedly safer today than we were before.

So let me get to these children and ask the Chairman, can I ask unanimous consent to put into the record H.R. 3887 that passed in the 110th Congress, I believe, and the words are for the Homeland Security Act, "An unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child." It gives discretion if the child is a danger to themselves, a danger to the community, or risks flight.

All that I have heard over the past 3 days——

Chairman MCCAUL. Without objection, so ordered.*

Ms. JACKSON LEE. Thank you.

None of these children were a danger to themselves. I also have information that indicates that there is a 712 percent asylum application for El Salvadorans, Guatemalans, and Hondurans, and not the same amount from those from Mexico. It has been steady. Panama, Belize, Costa Rica, Nicaragua. The assumption is that they are coming from these countries because there is horrific violence, that there is a humanitarian crisis.

So the question I would have, Governor, is: Can we not balance our desire for security with the recognition that we have passed a law that is not a law that undermines National security? It is simply to provide for this possible influx of children that have come over a period of time, and it is not going to encourage more children to come if these innocent children who are 5-year-olds—I can't believe they are calculating enough to think "I am going to go here so I can inspire my other fellow classmates or babies to come," like the 2-year-old who was in a diaper who was totally without anyone, who are trying to get placed as we speak today. That child could not be used as an example to encourage others.

Can we not find the kind of balance and humanitarian needs, and also to provide the extra funding in this supplemental to help our Border Patrol? I just take issue—and I respect all of the thinking on this, but I take issue with the idea that our Border Patrol team is not well placed with resources to do their jobs.

Governor PERRY. That is a good question.

Ms. JACKSON LEE. Yes, and I respect the National Guard, but I would——

Governor PERRY. You ask a very good question.

Ms. JACKSON LEE. I would argue that the National Guard militarizes. If you want them to do their military assignments, it militarizes the border, and I don't know whether we have asked or that is an answer to children and whether or not it responds to what is not yet determined as to whether this border is so porous that we have terrorists coming through. I think that we have that under control.

Governor PERRY. I think if we ask—I think if we stay focused on the only issue at hand that I am hearing you talk about, which is the children, which is a humanitarian crisis, we have multiple crises here. Speaking of balance, I totally agree with you. I would love to have a balanced approach when it comes to the Border Patrol, because when you look at the United States border from El Paso to California, there are 17 Border Patrol Agents per mile dedicated to that region of the United States. From El Paso to Brownsville, it is 7 Border Patrol Agents per mile.

I am all for balance. Let's get Texas balanced when it comes to the number of Border Patrol Agents relative to the rest of the country; 4,000 to 21,000. That is a good step in the right direction, but they are in the wrong place, I would suggest to you.

Chairman MCCAUL. The gentle lady's time has expired.

Dr. Broun from Georgia.

*The information has been retained in committee files.

Mr. BROUN. Governor Perry, in your recent op ed, you stated, "The root cause is Washington's failure diplomatically and strategically to address our border security and illegal immigration problem." This failure to develop a comprehensive strategy has resulted in border security which simply squeezes the balloon from one area of the border to another, while also failing to focus on the diplomatic efforts that are necessary which would have an equal impact about addressing the problem prior to these individuals reaching our porous borders.

Frankly, Governor, I blame four administrations, two Republican and two Democrat, for not addressing these issues.

As Governor, do you see this as a leadership problem on the part of the administration? Is it just this administration, or is it previous administrations as well, as I believe it is?

Governor PERRY. Well, this issue has been going on for a long time. I am tired of pointing fingers and blaming people. I hope what we can do is come up with some solutions here, because we know how. The fact is, we know how to secure the border. I mean, I can have Steve McCraw up here and probably in 15 minutes lay it out so clear to anyone, here is how you secure the border.

The question is this: Do we, as the United States of America, believe in our rule of law, and do we believe that we need to have a secure border between the United States and Mexico? I do. I think that is one of the Constitutional enumerated responsibilities of the Federal Government, to secure the border.

I won't get off onto my Tenth Amendment speech about getting out of our hair and a whole bunch of other stuff. You already all know that already.

But my point is that we just need to have a discussion in this country, do we need to have a secure border that will stop illegal activity or bring it to astoundingly low levels as we have done in Texas when we have surged into those areas with our law enforcement working with our Border Patrol and our Federal counterparts. We know how to do this. We just need the resolve, the resources of the Federal Government to do their Constitutional duty.

Mr. BROUN. Governor, I agree with you, securing the border is absolutely the first and foremost thing that we need to do to deal with this humanitarian crisis, as well as the National security issue that we face as a Nation, and I disagree with my colleague from Texas, Ms. Jackson Lee, in that it is still a very real problem that this porous, open border is also a very real National security risk.

But going back to your op ed, you talked about the diplomatic solutions. Of course, with these kids, diplomatic solutions are going to have to play a part, not just securing the border, but we are going to have to work with the Mexican government, the governments of the other Central American countries where these kids are coming from to try to help stop this flood, this so-called tsunami, to use a trite phrase, of kids flowing into this country.

But in terms of the diplomatic efforts to strengthen our own border security, as you mentioned in your op ed, where would you focus to have the greatest impact to stop this?

Governor PERRY. Obviously, we had a great working relationship in a lot of areas with Mexico. We probably have some areas that

we can improve upon. Again, I haven't seen the focus on the North American region from a diplomatic standpoint.

I know I am going to get a little bit off the subject here, Mr. Chairman, but when I look at Canada and the XL Pipeline, when I see Mexico and the opportunities on the energy industry with Mexico and the lack of engagement and, frankly, the lack of trust that we should be building up with two neighbors that ought to be our strongest partners, it causes me some concern. So I don't know if the trust level between Canada and the United States, Mexico and the United States is where it could be, or certainly where it should be.

So again, diplomatic relationships and using the leverage, but also using the personal relationships, and both of those are lacking from my perspective. I don't know, again, what is going on behind the scenes, but I haven't publicly seen the outreach that we have had in previous administrations with those, both Canada and Mexico in particular. I hope that we can see an outreach and both leverage and, well, let's say a carrot and a stick may be needed here to deal with this, because you cannot allow that many young people across your country on the back of trains and in buses and not know about it. A Marine can't go to Tijuana and be apprehended, yet thousands of young people are crossing the border with Mexico. There is some disconnect there, and we diplomatically have not engaged in that to the level at which I am comfortable we could be if we really cared about that. Matter of fact, both of those issues.

Mr. BROWN. Governor, I agree with you on that. I hope that our administration will start dealing with the Mexican government to get them to secure their southern border to prevent the flood through their country, as well as stop turning a blind eye towards the transit of these kids through the country of Mexico. I think it is absolutely critical that this administration start focusing those diplomatic efforts to do that.

My time has expired. Thank you, Governor, and I yield back.

Chairman MCCAUL. The Chairman recognizes Mr. Vela from Texas.

Mr. VELA. Thank you, Mr. Chairman.

Governor, I want to begin by thanking you for your 16 years of service to the State, and also take this opportunity to thank you, Senators Hinojosa and Lucio and the rest of the Texas State Senate and our House of Representatives—Representative Geda was here earlier; I think he might have stepped out—for all you have done for South Texas, especially with respect to—we have 1.2 million people living here. We are a great American community, and with what you all have done with respect to the merger of the University of Texas Pan American and Brownsville Edinburg and the new medical school and the feasibility of a SpaceX launching pad, that is something you deserve thanks for.

With respect to our presence here today, it seems to me that with respect to the National Guard, what I am wondering is: How do you think that would have prevented the influx? We have 1,000 National Guard at our borders, you would propose. How would that have prevented the influx of these unaccompanied children who, for all practical purposes, are surrendering themselves?

Governor PERRY. The power of boots on the ground I don't think can be overstated. The message needs to be sent very clearly. It is not a matter of once you come into the United States you are going to be deported. This is you are not going to be coming into the United States. Had, in 2009 and in 2010, those 1,000 National Guard troops been upon the border, I would suggest to you their presence here, and then the ensuing training of the 3,000 Border Patrol Agents to permanently take those individuals' place because that was a temporary fix, if you will, 2012 would not have seen this great influx of young people coming in, the beginning of this great influx in 2012 that we saw. It would not have happened.

I would ask you at the appropriate time to have either—and particularly Director McCraw share with you what we have seen from the standpoint of our ability to substantially lower the criminal activities along the border when we have surged into those places. It is just like a Neighborhood Watch, if you will. I mean, it is really some pretty common sense. When you have a substantial law enforcement presence in a particular site, you are not going to have the activities, criminal activity or, for that matter, I don't think you are going to have this great influx of young people coming up here, because I truly believe this is manufactured to some degree by the drug cartels, because not only is it the drug cartel violence that is going on there and their intimidation and what have you, but it is also them organizing and pushing this caravan, if you will, into this area of the State.

Mr. VELA. We could probably debate those points all day long, so let me ask you this. In your op ed, you mentioned—this is what you said: “What is happening along our Southern Border is a mounting tragedy, its root cause being Washington's failure diplomatically and strategically to address our border security and illegal immigration problem.” Right?

Governor PERRY. I am agreeing with you so far.

Mr. VELA. So would you agree that the humanitarian or the socioeconomic conditions and conditions of violence in Central America are also one of the root causes of the crisis that we are experiencing?

Governor PERRY. I don't argue that. As a matter of fact, I think that is what I said there, either directly or obliquely. But the fact is we are wanting to draw this line and say here is where we are and we are going to have to continue doing what we have been doing and address the result of it. I would suggest to you that if you send a clear message that you are not coming into the United States, and if you are here you are going to be cared for and get you back into traveling condition and you are going to be sent back to where you are from, substantially stymie the flow that we have seen because we know what was happening in 2012, and I want to say it is like 5,000, and then the projection for 2015 is 160,000.

I am just going to tell you that unless the United States clearly sends the message of we are not going to allow for this unimpeded flow of individuals into our country, and you get here and you can stay here, then it will be a deluge. After El Salvador and Honduras, what is the next group of people to decide to come here? I mean, do they start shipping people from other places in the world? I mean, there has to be a point in time where we stand up and say

we are going to secure the border of our country, we are going to be a rule of law. If we don't do that, I will suggest to you that the American people will address this in a number of different ways, electorally and otherwise.

Mr. VELA. May I have one more, Mr. Chairman?

Chairman MCCAUL. Very quickly.

Mr. VELA. Would you also agree at least that one of the root causes of the crisis that we are currently experiencing is also the fact that 85 percent of these children are coming here to be reunited with their parents? Would you agree with that, that the reunification factor is one of the root causes of what we are seeing?

Governor PERRY. I don't know whether those numbers are correct or not. But the issue at hand is not if we are going to address this flood of individuals who are coming to this country, whatever reason they are coming for. We cannot, as a country that respects the rule of law, allow for basically the turning away from the legal system that we have in this country.

Chairman MCCAUL. Mr. Barletta from Pennsylvania.

Mr. BARLETTA. Thank you, Mr. Chairman.

We are trying to deal with this on a Federal level. But, Mr. Governor, as the mayor of Hazelton for 11 years, I saw first-hand what a burden illegal immigration has on local government. When I saw our population grow by 50 percent but our tax revenue stay the same, realizing we had an illegal immigration problem, the quality of services suffered.

On Monday, I helped sound the alarm to help stop potential relocation of unaccompanied minors to a property in my hometown in downtown Hazelton, Pennsylvania which had been identified as a potential housing facility. The United States Committee on Refugees and Immigrants has now stated that they are not looking at locations in Hazelton but will continue to look for potential places across the country.

Governor PERRY. Have you been told where those are?

Mr. BARLETTA. No. I am getting to that. But I am worried for a number of issues, not only for Hazelton, which is now not a problem, but for other cities.

What are the health risks, in your opinion, to these children and to the community that they are going to be sent to? Do you know, are background checks being conducted not only on the unaccompanied minors but on the adults who will take custody of them? Do we know if they are predators? Do we know anything about them, if they are gang members, associated with, anything about their background? How long will the minors remain in the United States, and what impacts will there be on our public schools and on other public services, including our health care providers? These are all local issues, real issues that small governments have to deal with. Can you speak on that based on your experience?

Governor PERRY. I think those are all very legitimate and appropriate questions for people in the other 49 States as well, and the reason I ask you that, Congressman, is because I don't think our Government is being forthright, being transparent in the process that is going on. I think we have seen the reaction in Georgia and California and Pennsylvania, and I think you are going to see that in a lot of places across the country.

Again, we are either going to be a country that respects our rule of law, or we are not. We are going to be a country that is going to secure its border, or we are not. If we are not going to be either one of those, then the Federal Government needs to stand up and say here is the way it is going to be.

My instincts are that the American people are not going to be particularly happy about that. They do want this to be addressed. They want it to be addressed thoughtfully. But securing this border, until that is done, all of these other conversations that folks want to have about immigration reform or what have you, they are going to fall on deaf ears with this country. That is my perspective when I go and talk to people across the United States.

Mr. BARLETTA. I agree with you. The problem starts in Washington and ends up on the border, then ends up in Hazelton, Pennsylvania and across the country for everyone to try to deal with it. What always stops me when someone wants to talk about immigration reform, I always go to the background checks because as a mayor, I know what is involved in doing a proper background check.

How do we find information on this? Because I saw the human side today, these three beautiful little girls with their grandmother who risked their lives to come here. I saw that, and it broke my heart. But there is also the realist in me who also saw others that again could be here not for good reasons, and that is the ones I am concerned about because there will be innocent Americans every time who pay that price. If we don't do the due diligence to make sure that we are not allowing people into this country that will harm Americans, which I believe is our first priority of Government, is to protect the American people, then we are not doing our job.

That is where it stops for me, and I am not convinced that we know enough about the children that are here. We talked about what are the causes. I do believe that most are here because there is somebody in the country already here illegally, which is the cause of not enforcing our immigration laws. We have created another crisis now with the children.

So I want to thank you for coming with your perspective.

Governor PERRY. Yes, sir.

Chairman MCCAUL. This crisis I think will literally impact every district across the Nation eventually.

The Chairman recognizes the gentleman from California, Mr. Swalwell.

Mr. SWALWELL. Thank you, Chairman.

Thank you, Governor.

Governor PERRY. Yes, sir.

Mr. SWALWELL. I came here not looking for placing blame but looking for solutions, and at that facility this morning I saw children, and I saw mothers holding their children. I talked to a young El Salvadoran boy and asked him why he came here. He said he traveled alone, and he said he came here for a better life. He wasn't holding an invitation in his hand from President Obama. He didn't know what DACA meant. He didn't know what the Traveler Protection Act was.

So I understand in your op ed, you said that the root cause was a belief that they would be allowed to stay here. So I just wanted to walk through some figures with you.

You would agree that the Trafficking Victims Protection Act was passed in 2008. Is that right? In 2008 it was passed?

Governor PERRY. I will let your statement stand as fact.

Mr. SWALWELL. You would agree that in 2008, only 7,500 unaccompanied minors came across our border?

Governor PERRY. That is factual.

Mr. SWALWELL. In 2012, the President took Executive Action with the Deferred Action Children Act.

Governor PERRY. Yes, sir. If where you are going with this is where I think you are going with it, here is what you need to understand.

Mr. SWALWELL. Governor——

Governor PERRY. I have been the Governor here for 14 years.

Mr. SWALWELL. Governor, if you don't mind——

Governor PERRY. But here is——

Mr. SWALWELL. Do you agree that in 2012——

Governor PERRY. Here is what I agree to. The reason people are coming is because——

Mr. SWALWELL. If I may, Governor——

Governor PERRY [continuing]. The border has not been——

Mr. SWALWELL. I will ask the questions, Governor.

Governor PERRY [continuing]. Secured. And until we——

Mr. SWALWELL. Governor, may I ask the questions?

Governor PERRY. Until we get the border secure, you are not going to see a stop to any people. As a matter of fact, you are going to see a flood, more than this. I hope you will agree that the responsibility to secure the border is the Federal Government's, not the State of Texas', not the County of Hidalgo——

Mr. SWALWELL. Governor, I would agree. But would you agree that after the Deferred Action Executive Action was taken, 25,000 or fewer? That was 2 years ago.

Now today, in 2014, we are at 50,000, probably 80,000 by the end of the fiscal year.

So is it your position that it has taken 2 years for the word of DACA to travel to Guatemala, El Salvador, and Honduras, and 4 years for the Trafficking Victims Protection Act to travel to them, and that is the reason they are all coming here?

Governor PERRY. I think what has happened is the abject failure of the Federal Government to do its responsibility, and what you have seen is a catalyst that has been growing year by year, and people understanding that if you will get from wherever you are to the border of the United States, you can cross and the Federal Government is not going to impede you from coming into this country and staying here, and that is why Americans are upset.

Mr. SWALWELL. Governor, you are calling for——

Governor PERRY. That is why Americans are upset.

Mr. SWALWELL [continuing]. Additional Border Patrol Agents. But during our briefing this morning, we were told this is not a matter of catching them, that these children are running into open arms. So wouldn't additional Border Patrol Agents only increase the number of open arms that these children are running into?

Governor PERRY. I think I addressed that earlier when I said that when you have the National Guard, when you have a law enforcement effort—and, frankly, it gets back to the issue of whether or not we are going to have a diplomatic relationship with Mexico to the point of where they trust us, we trust them, and they secure their southern border. I mean, if it is going to come down to we are going to put enough people on the border and put them on the border—I am not talking about 40 miles back and apprehend, and that has been our objective when we surged into the border region, is put them on the border, have that law enforcement presence there.

Again, if the point is we are going to continue with the same old policies that we have had and we don't apprehend at this particular point in time and send those individuals back to where they are from—

Mr. SWALWELL. Governor, you mentioned several times send them back to where they are from—

Governor PERRY [continuing]. 160,000, and then 320,000—yes.

Mr. SWALWELL. I appreciate that because I—

Governor PERRY. Do you not agree that they need to be sent back to where they are from?

Mr. SWALWELL. I do agree on a case-by-case basis. We do not want them to come here.

Governor PERRY. Okay. Do you agree that they need to be sent back to where they are from?

Mr. SWALWELL. Would you agree, Governor, that the challenge, though, is that where they are from doesn't necessarily cooperate with us? We need to put pressure on Guatemala and Honduras and El Salvador—

Governor PERRY. Absolutely, absolutely.

Mr. SWALWELL [continuing]. To receive them.

Governor PERRY. Absolutely, I agree with you on the diplomatic side. But you agree—I want you on the record here, in front of God and everybody—you agree that they need to be sent back to the country that they are from?

Mr. SWALWELL. Governor, I agree we can, on a case-by-case basis—I am not saying all of these—

Governor PERRY. But I heard you say earlier that you agree that they need to be sent back to where they are from.

Mr. SWALWELL. But I hope you understand that it is not as easy as catching a child from Guatemala and then just dropping them on the corner in Guatemala.

Governor PERRY. I didn't say it was going to be easy. This has never been easy. I have written the President since 2005 about the difficulties that we face along this border. The citizens of this region deserve to be able to live in a safe and secure area. Our responsibility as citizens, both as a State governor in my case and you as a Congressman, is to secure this country. Sending young people back, if that is what we have to do to send a message, because if we don't, then the only alternative I see is instead of 5,000, then 8,000—I mean, the flow is not going to stop.

If we are going to be a country that respects the rule of law, and if we are ever going to have a conversation about immigration re-

form, which my bet is that you and I would probably like to see that happen, it will never happen until you secure the border.

Mr. SWALWELL. Governor, I appreciate that, and I thank the Chairman. My point is that this is something more complicated than these children are coming because of President Obama invited them.

Governor PERRY. It is an incredibly complicated issue, Congressman. It is an incredibly complicated issue. But I really believe that we can find a solution, and that is the important thing for me. Thank you again for being here. We can find the solution to this. I mean, we are smart enough, we are big enough, we are wealthy enough to find the solution to this. But we first must secure that border, because that is what Americans want us, demand that we do.

Chairman MCCAUL. The gentleman's time has expired.

Mr. SWALWELL. Thank you, Mr. Chairman.

Chairman MCCAUL. Kay Granger from Texas.

Ms. GRANGER. Thank you.

Thank you, Governor, for being here and for all you have done over all these years about this issue. This is the second time I have been to McAllen this week. I traveled here just to personally see—

Governor PERRY. They would like you back in 2 days.

[Laughter.]

Governor PERRY. For tomorrow would be good, the 4th of July.

Ms. GRANGER. Yes. I wanted to see what was being done here and what needed to be done, and we all did that way. I saw things I didn't want to see. I saw children that were kept in places that—on dirty floors and sleeping without blankets and things that we expect in Beirut, we don't expect here in McAllen, Texas.

At Lockheed—sorry. At Lackland, there were 1,200 children being taken care of. They were being taken care of very well, 600 boys on one floor, 600 girls on the other floor, 30 to a room, given good health care and checks.

But I was traveling with the First Lady of Honduras, and she became very, very emotional. I said to her, I said if it were my country, I would hate to see the loss of the children from my country and all their futures and what they believed and what they were going to add, their talents, and she said that was exactly what she was thinking of, the huge loss.

I thought, to those children, they are going to lose their culture, they are going to lose their family and their friends, and I am afraid they are never going to be really united with their families.

So I talked to her and I said—and the next day I talked to the Foreign Minister of Honduras and said I think we should send these children home, and she said yes, she wanted the children to go home. But I said I thought that if we did it right, we could put the children first and we could get a situation where we sent them back home but we helped Honduras keeping them safe, some of the shelters that we have done in Jordan and Lebanon, all sorts of places, and then work with that government to make the government make that safer so the children didn't want to leave and break the law. I think that is possible. It ain't easy, just like you said. It ain't easy, but it is certainly possible.

I think with leadership like the leadership that you have exhibited where you are very straightforward, you say we are a country of rules, this is what we need to do, we need to back it up, and we need to let the people who are trained to keep us safe and to secure that border do their job in sufficient numbers to have a safe border, I just think absolutely that that is the direction we need to take.

I think we need to do it very quickly, because we start out with 52,000, and I don't know what we will have when we start enacting laws. But I think that there is something we all need to do, and that is to try to stop it at this level so we can know who we are dealing with.

I think the worst fear I have is I watched those 1,200 at Lackland get on buses, that we will never see those kids again, and their families won't either. It is a dangerous, dangerous trip they took to get where they are, and for us to keep those children and say we are going to return you to families, I think we all need to be very aware of the other dangers they have, the human traffickers with cartels. So I think we need to also in our thinking take that to a different level.

So I would ask, of course, for your continued guidance and leadership in this. Thank you.

Chairman MCCAUL. Any response?

Governor PERRY. I agree with everything she said, sir.

[Laughter.]

Chairman MCCAUL. Smart man. I always agree with Kay Granger, all the time. That is always the best policy.

[Laughter.]

Chairman MCCAUL. Thank you, Kay.

The Chairman now recognizes Gene Green from Texas.

Mr. GREEN. Thank you, Mr. Chairman. Thank you for allowing those of us who are not on Homeland Security to actually participate.

Governor, welcome.

Governor PERRY. Yes, sir.

Mr. GREEN. You and I served together since sometime in the 1980s. I am going to try and take my "D" hat off, and you can take your "R" hat off, because we have plenty of time to do that, because I always was taught in the legislature that our goal is to do what is good for Texas, just like as a Member of Congress I hope to do what is good for our country.

I agree with what my colleague from Georgia said. Securing our borders has been a challenge for decades, although I have to admit I love Texas history, and I am sure glad the royalty in Spain and the governor of Mexico, they didn't secure the borders on the Sabine either back in the 1820s and 1830s. So we have had this problem for a long time, and it is easier said than done on securing borders.

Governor PERRY. I agree.

Mr. GREEN. I am looking forward to Mr. McCaul's statement on it because I have never not voted in my 20 years-plus in Congress, voted for expansion and more money for Customs and Border Protection. We have always done that, and I would think that we will continue to do it. In fact, in the immigration reform bill, there was

this committee, the Homeland Security Committee, passed bipartisan I think a much better part of that bill than the Senate did. Even though the Senate had a lot more money, I think ours, this committee and Congressman McCaul was smarter in doing it, and I would hope we could vote on that sometime.

Let me get to a couple of things, though, that came up. First of all, one of your comments, your four statements, we were told now, and hopefully we will in a later panel, that every child who comes here is going to be tested for their health issues before they are released, and hopefully the next panel will guarantee that to us in just telling it to us.

The other thing is that it is hard enough to do a background check on adults. There is no way we are going to do a background check on those three granddaughters we saw over there from Guatemala. If somebody wants a background check on every immigrant, it is just not going to happen. We just can't do that. We have enough trouble with the adults that come over, having access to the files in those countries on someone. So let me put that aside.

I don't know of anything in the last 6 or 7 years that the President has said "you have a free pass to come to our country." The 2008 legislation was actually signed by President Bush and passed by a voice vote in the House of Representatives. So if we need to go back and change that, but I don't think that was an invitation to anyone. I think that was in response to what we were trying to do to treat children, and it is not unlike what we do in Texas.

When I practiced law, if I had a juvenile case, that child under 17 years old went to juvenile court. They were treated much better in juvenile court than they were if they were 17 or older because they went to adult court. So we tried on the Federal level to do that, treat children as children.

Now, we do know that in Central America we have gang problems, and some of the problems in those countries, I know El Salvador particularly, a lot of their problems, if we deported a substantial number of gangs from Texas I am sure, but also California, and rightfully so—I have a very urban district in Houston. We have enough home-grown outlaws. We don't need to bring them in. So we need to deport them.

But I don't know of anything the President said that said this is open season, and frankly I don't remember President Bush saying it either. It has been a challenge, at least I know while you have been Governor. You had President Bush and President Obama. I don't think there has been an invitation. I know in Congress, whether it is D's or R's that run it, we have increased border protection.

Now, I do agree with you on one thing. I didn't know the statistic, that we have fewer Border Patrol per mile, and I would like to use that as a standard, and we need to correct that.

Governor PERRY. Please do.

Mr. GREEN. Because we need to have the same emphasis that California, Arizona, and the very small part of New Mexico that is a border.

The other thing that in your letter you sent in May 2012, that Congress has increased border protection money since then, too. Now, it may not be spent. You and I have some philosophical dis-

agreements on the National Guard. I was with the National Guard in Iraq, our Texas units and Army Reserves in Iraq and Afghanistan. They weren't doing border protection. They were doing their military job. I think they can be used as a force multiplier, but I still want our Border Patrol doing their job, and I would much rather have a trained Border Patrol Agent than a National Guard person there who is not trained to do what the Border Patrol is supposed to do.

I know I have heard the term "we are being invaded from Mexico." That is a little hyperbole. If we are being invaded, then maybe we need to move the airborne division there, but that is not the case. People are coming here to work. They are coming here, and these children are coming for lots of reasons, including misinformation in their own country. But that is the other thing.

Have you heard that there has been any suggestion by whether it is the Homeland Security Secretary or the President to these countries in Latin America that said, you know, you can come in here if you are a child, just come in here and surrender to a Border Patrol Agent? I have not seen that.

Governor PERRY. Can I address that?

Mr. GREEN. Sure.

Governor PERRY. Gene, thank you. I think it is a bit more nuanced, the messages.

Mr. GREEN. President Bush said we don't do nuance in Texas.

[Laughter.]

Governor PERRY. I am thinking that—and let me just back up for a little history here. I can't remember the dates of this. You may be able to give it to me better. But there was a program that we referred to as Catch and Release that got—

Mr. GREEN. I remember that, and Congress actually worked hard to change that.

Governor PERRY. You did. But those are the nuanced messages that I am talking about. You get caught, you get brought in to San Angelo, Texas, and then you are given a summons that says show up for a court date, and everybody knows how that was going to turn out. So both the citizens of this country and Members of Congress were a bit outraged, and they addressed that.

Then we had apprehend and get transported to somewhere else. Maybe you were apprehended on the Texas border and then you got sent to Arizona. So those are nuanced messages that if you can just get across the border, then you are going to have an opportunity to move around. The message gets sent, Gene. I don't think that is really nuanced, to be real honest with you.

No, the President of the United States didn't stand up and say come, and I hope I haven't ever said that, and if I did, I needed to be more nuanced.

[Laughter.]

Governor PERRY. But let me share with you. I never asked for the National Guard to come and stay. What we asked for was 1,000 National Guard to come here in a temporary basis until 3,000 Border Patrol which are trained every day to do what you and I both agree they need to be doing, and thank you for supporting the concept of Texas needs to have, at least in equity per mile, if our bor-

der is going to be—I think our border is just as important as the other States that are border States.

Anyway, my point is that I do think that this nuanced messaging—and again, this has been going on for some time. I would just like to look for the solutions. We know what the problem is, and the solutions from my perspective—and again, we can maybe disagree a little bit on the exact way to deal with it and what we are facing, but we know how to secure the border.

I think if we will agree that we can put the resources on the border in an appropriate number, that a lot of these other issues will go away.

Mr. GREEN. I know I am out of time, and I know we are trying to move on. I appreciate the time, Mr. Chairman. I like your leadership on some of the Border Patrol and Homeland Security. We will work together to get it done.

Governor PERRY. We will. We can do this.

Chairman MCCAUL. The Chairman recognizes Mr. Salmon from Arizona.

Mr. SALMON. Thank you.

Governor, a couple of things. First of all, thank you for being here today.

I went to the facility in Nogales, Arizona about 3 weeks ago where there were 1,250 children. At the time it was the only facility of its kind, and it was a makeshift facility. The first thing that happened when I walked in—and I am not a real emotional guy, but I broke into tears when I saw what was transpiring before my eyes.

We are talking a lot about these children and what is best for these children. I think that the point that you are making is one that we have to focus on with a laser beam, and that is ultimately if we don't stop it now, the waves will keep coming. How many of those kids aren't in the facilities? How many are not making it? How many are dying in the desert?

I understand that one out of every three teenage girls is being raped as they make that journey. I understand that many of these children are being sold into slavery and some into prostitution, many of them. If we don't create a deterrent to stop that from happening, this untold carnage is going to continue to happen.

I happen to agree with you that actions speak louder than words. If they believe that these children are going to come here, they are going to bounce around the system until we bounce them out to their relatives, some of them that are in this country that are here illegally, then it is going to keep coming, and it is going to come from Nicaragua, and it is going to come from other countries as well, and the carnage is not going to stop. Is that real compassion? I would submit it is not.

The second thing that I would like to point out is that just throwing money at the problem alone—\$2 billion, that is what the President has asked for—if we don't have a focused plan, or if we don't let the CBP officers or ICE do their jobs, then that money is wasted.

I talked to the CBP folks at that facility, all the way down the line, spent a whole day there with them, and they told me of the abject cause for their low morale, and that is that they are not al-

lowed by this administration to do their job. They are cops. Yet what happens? So they find a family unit, and they drop them off at a bus station, and they give them a date to come back to court. I said, well, how many of them come out for that court date? They started to laugh, and they said are you serious? None of them come back, they just stay.

The children, because of the 2008 law, they are guaranteed a hearing, and those hearings are taking anywhere from 3 to 7 years before the hearings can be accomplished. We have got to change that law. We have to, and treat the children who are coming from Central America just like we would treat the children coming from Mexico or Canada. Let us just make that amendment. The administration has asked for that.

If we do that and we act through actions and not just words, let's dig that placard out that Truman had that said "The buck stops here," for all of us, for Congress, for the President. Let's say the buck stops here and let's just fix it and stop this carnage from happening.

The last thing I would like to say, and it is a question for you, the President just said a couple of days ago that he has decided to go it alone on immigration reform, that he is frustrated with the way things have happened. Governor, do you think that if the President goes it alone and comes out through Executive Order and not involving the Congress, do you think that will help or hurt this situation?

Governor PERRY. I think it is really fascinating that the one place that the President really needs you, all of you, is on this issue, and it is because of the appropriation of the dollars. There have been some other issues that the President—I remember him talking about his pen and a phone, but that the President has bypassed Congress, and maybe he could or should. I don't know. I am not going to weigh in.

But this is the one time that I really think the President does need all of you, Democrats and Republicans alike, to be working with you and reaching out. Gene, I have found—you left us and went to Congress. The few times that I tried to do something without you, you spanked me pretty good.

[Laughter.]

Governor PERRY. As I recall.

So one of the things that I have learned over my 14 years of being Governor, and then the other 16 years of being a State Rep and the other roles that I have had the privilege to play, was that an executive in Government, the President of the United States or the Governor of a State, can't go it alone. You are not going to be successful.

I hope that all of us will share with the President that we are willing to sit down and work with him. One of the reasons I asked him to come here, I wanted him to see this because, just like you, Congressman, I think if he walked in that sally port and he saw what all of you have seen, then he would realize that this is bigger than politics, this is bigger than—but it is not bigger than America. We can find the solutions to these issues and stop this tragedy that is occurring all across Central America and Mexico and into the United States.

Mr. GREEN. Thank you, Governor.

Chairman McCAUL. The Chairman recognizes Mr. Olson from Texas.

Mr. OLSON. Before I thank my Governor, I would like to thank Chairman McCaul for inviting me to be a part of the committee and participate in this very important hearing. Thank you, my friend.

Governor Perry, good afternoon.

Governor PERRY. Howdy.

Mr. OLSON. My wife Nancy couldn't be here today, but she ordered me, ordered me to say thank you to you, for your life of service to Texas, taking care of my family and 27 million Texans. Thank you, thank you, thank you. Knowing that you and I share a common bond as former pilots in the military, she had a call sign for you: "Prosperity Perry." Has a ring to it, doesn't it?

Governor PERRY. That is kind of a long call sign, actually.

[Laughter.]

Mr. OLSON. Yes. Well, "prosperity." That ought to work out.

Governor PERRY. I kind of like "maverick" better.

[Laughter.]

Mr. OLSON. Cross the Air Force with the Navy. I appreciate that, sir.

Governor PERRY. Yes, sir.

Mr. OLSON. I want to talk about President Obama's blindness to a crisis that threatens our State with a tsunami of disaster. You have authorized \$1.3 million for DPS per week to get involved in border security, \$1.3 million coming from Texas. As you know, you are not like us. You can only spend money you have. So, Governor Perry, you are going to have to come up with some money. If this goes on for 6 months, you are going to have to come up with \$33.5 million.

My question to you is: What is going to happen to other services that have to be impacted? Any idea what is going to happen, Governor?

Governor PERRY. Well, obviously, Texas is fortunate in the sense of its economy is doing better than most other States. Matter of fact, 37 percent of all the new jobs created since 2000, 37 percent of all the private-sector new jobs created in the United States were created in this State over the last 13-plus years. So the State of Texas is in a surplus condition in its State government.

But the fact is, from 2005, we all remember 2008–2009, that even Texas wasn't immune to what happened in that particular period of time. We had to struggle; not as bad as other States. But the fact is during that period of time, we were spending money on securing this border. We were diverting money that, frankly, could have been spent for transportation infrastructure.

I can promise you, Judge Garcia and Senator Hinojosa and Senator Lucio would have loved to have had some of those dollars in the far transportation district to have built some transportation infrastructure in this State. But public safety trumped that.

The legislature—and I think it was a fairly overwhelming vote to send that money for border security in 2005, in 2007, in 2009, in 2011, in 2013, and it is over a half-a-billion dollars now that,

frankly, was your responsibility. Again, I want to remind you that I put a request in for you to pay it back.

But you are absolutely correct, this is not the State's responsibility. It is not Arizona's responsibility. It is not New Mexico's responsibility. It is not Jerry Brown's in California's responsibility. We have a Constitution that clearly enumerates the powers that are supposed to be dealt with by the Federal Government, and defending and securing this country's borders is one of those that we are failing.

Mr. OLSON. Yep. There is a bigger problem that is a crisis, though, sir. As you know, by law, when DHS gets ahold of one of these children, they have 72 hours to turn them over to HHS. I have seen HHS up close on the Energy and Commerce Committee for the past year through their roll-out of HealthCare.gov. In my 51 years here on God's earth, I have never seen a greater debacle from the Federal Government. It was terrible. How can we trust these people to ramp up with these kids coming across the border when they can't even get this bill up and running? They had 3 years to do that. They have 3 hours, 3 days. How can we trust them or the Government?

My point is: Who wants to do this? Somebody in the District of Columbia? Somebody in Austin? Or local people?

Governor PERRY. I don't want to—I don't think this is the right forum to discuss the Affordable Care Act.

Mr. OLSON. Just an example of how we got there.

Governor PERRY. I know. But I am just saying, we know how to fix this. I mean, we know how to address this issue. Again, the next panel you are going to have the opportunity to talk to some real pros, some people that I have extraordinary confidence in, men and women who have a plan.

Again, it goes back to why I would really like for the President to come, or to at least—and thank you all for coming again, for being here. But I wish someone from the administration would come and sit down with the men and women who have put the surge operations together over the course of these last 7 years, not because we think we are perfect but because we know it works.

Kay, you were spot-on when you talked about just spending the money for the sake of spending the money and it is not going to do any good. Having a plan—and we will be happy to sit down and show them how we in Texas have done this, and my bet is we have probably done it in a fairly efficient way. I mean, since 2005—and again, we only surged into areas of the border, and I think that is important to keep in mind because when we are going into 300 miles versus 1,200 miles, there are some substantial cost increases.

But since 2005, and we have been able to surge into these areas and drive down substantially the amount of activity, criminal activity, and done it for \$500 million, half-a-billion dollars, which is a lot of money. But compared to the \$2 billion that the President says I am going to make available, then I think there is some scalability here, and I think there is some partnering here that we don't want to miss out on.

Frankly, that is one of the reasons why I am here today, is to offer this expertise. If there is a State that has had more experience of dealing with this issue and, I might add, doing a pretty

good job of dealing with the issues at hand with our surges, if there is somebody that is any better or more experienced, I would love to have them sitting at the table with us as well.

But I think it is really important for us to leave here with some solutions in our minds about, you know what? Here is a way to address this, and here is an avenue for us to address.

Chairman MCCAUL. I agree with you, and that is why we are here.

The Chairman now recognizes the gentle lady from North Carolina, Mrs. Renee Ellmers, her first trip to the border.

Mrs. ELLMERS. Yes, and thank you, Mr. Chairman, for allowing me to come along on this trip, not being a Member of Homeland Security Committee.

Thank you, Governor Perry, for your leadership to the State of Texas and your willingness to be a leader on this issue of immigration. Obviously, as you have pointed out, we have to start with the border. Although many disagree on the path that we need to take for immigration reform as a whole, I think everyone that I have spoken to, regardless of party affiliation, regardless of who you are, what State you live in, everyone agrees that the border has got to be secure, and obviously you are ground zero for that action.

I bring greetings from our Governor, Pat McCrory, and I know he is a good friend of yours.

Governor PERRY. Yes. I hope I am not on the phone with him before the day is up with offering services for a hurricane.

Mrs. ELLMERS. Thank you, yes.

Governor PERRY. But we will be if that is what is required.

Mrs. ELLMERS. Well, thank you, and we are certainly all praying that that will not be the case.

But obviously in North Carolina, we do not have the hurdles that you have here in Texas with the border situation. But just as so many of the other States and areas are affected by the migration of these individuals coming across our border, so too is North Carolina. I know I am one, as you are, and you have pointed out numerous times that we are here to find solutions.

I am here to find solutions on immigration in general, but especially because of this humanitarian crisis that we are experiencing, and coming here to learn and seeing it first-hand so that I can bring this back to my constituents and hopefully be a voice on this issue as well.

You know, to some of our colleagues, we have talked a lot about what might have occurred to create some of this situation, and like you, I am looking for solutions. I don't want to finger-point. But I think you have to—you can't, you simply can't ignore—in our binders, page 7, Table 1, which talks about the number of unaccompanied alien children apprehensions from 2008 to 2014, you can see the numbers, and you can see where they are escalated, and you can see what policy was put in place at that time, and then you can see a result.

Whether the result was because it was written in stone that way or whether it is because it was perception, and then perception became reality, that is what we have been dealing with. So now we do have to find the solutions.

Sir, one of the things that, again, getting back—and I am just going to come off of what my colleague, Mr. Olson, was talking about, the \$1.3 million a day that you have directed your Department of Public Safety to allocate, you are talking about dealing with, I guess at the more local level, illegal immigration and drug trafficking. How has this changed the dynamic?

Of course, this is your State commitment. We are not talking about border security necessarily on the border.

Governor PERRY. I might add that it is on top of what we have already appropriated, I think \$110 to \$120 million in the 2013 legislative session.

Mrs. ELLMERS. How has this changed for the positive, and how can we, as we are looking at solutions, incorporate this into our plan of action?

Governor PERRY. I want to save us just a little bit of time here because when Director McCraw gets up here, he is going to give you some very hard factual data and, giving you name of surge operation, here is the amount of criminal activity, here is the amount of apprehensions that occurred. What I will tell you in a broad sense is it is astounding how you drive down those activities when you have that law enforcement presence, when you have the boots on the ground, and it truly makes a difference. If we were able to do that from El Paso to Brownsville, I will suggest to you that it will have a likewise astounding impact on our border from the standpoint of folks on this side of the border will be substantially safer, and at some point in time we will have—and this is a conversation for another time too, but we will have two administrations, one in the United States and one in Mexico, that build a trusting relationship, and we can together, as we did in Columbia, deal with the drug cartels and the criminal element in Mexico and make that entire region, this entire region safer and more prosperous.

Mrs. ELLMERS. Thank you, and I yield back.

Chairman MCCAUL. I thank the gentle lady.

The Chairman recognizes the gentleman from Corpus Christi, Texas, Mr. Farenthold.

Mr. FARENTHOLD. Thank you, Chairman McCaul. As a former Member of this committee and a representative of the Rio Grande Valley in the last term of Congress, it really means a lot to be here, be back amongst some old friends, and talk about some issues that have been troubling us since I have been elected to Congress.

I do have two takeaways, I think, that really have stuck with me from this hearing. I think, Governor Perry, you pointed out accurately that border security needs to come first. The American people feel like a promise was broken by the Reagan administration with the last round of immigration legislation, that the borders would be secured if we granted amnesty. We have to regain that trust by securing the borders first.

I also think actions speak louder than words. You know, they have telephones and internet in Central America, and when children and families come up here, they call back and say, yeah, we are going to be here for a while it looks like, and they don't see them back in Central America, it encourages more people to come.

As I see it, there are basically three classes of people crossing the border illegally that we are dealing with. We are going to kind of set adults aside because I don't think it is really outside the scope of this hearing. But we have families with kids that come, and we have kids that come. What I have learned down here is we treat them differently. Families with kids we process as quickly as we can. They are still put in these horribly overcrowded detention centers, but eventually they are released with a notice to appear and go down to Catholic Charities and the local bus station and proceed on to wherever their eventual destination in the United States was at their expense, and with only a notice to appear, which we have seen very often they don't.

The kids are another problem. You can't just set the kids loose. You have to do something with them. So after CBP has 72 hours to deal with them, and then they are released to HHS who tries to place them in a facility until they can find a parent or someone in the United States to take care of them. We will set aside the argument that we should probably be looking for somebody in their home country to take care of them.

What has this done to Texas? We don't have the beds for this number of children. What is happening with that?

Governor PERRY. You bring up a concern that I have.

Representative Ellmers, your home town is getting a pretty good lashing right now by the first major hurricane of the season. I don't think we have had a hurricane in 4 years. Is that right, Sheila? I don't think we had had—it has been 4 at least. I mean, we have been blessed in that sense.

What I worry about as the chief executive officer, I can assure you that Kim Nim Kid and Steve McCraw and John Nichols all have it on their mind, if we were to have a major event like they are having in North Carolina and South Carolina at this particular moment, hitting your constituents, Gene, they don't have a place to go.

Mr. FARENTHOLD. So, Governor, do you think the other States need to step up and, if they have beds for these children—typically they are only there for a couple of weeks until we find an adult to deal with them. What else do we do?

Governor PERRY. The States have always been good about working with each other, and it doesn't make any difference whether you are a Democrat Governor or when Joe Manchin was the Governor of West Virginia. He was one of the first people on the phone to me to offer assistance with some aviation assets. Bobby Jindal, when Gustav came through, Bobby—

Mr. FARENTHOLD. So we need to work it out.

I am about out of time. I have one more question, sir.

Governor PERRY. Yes, sir. Sorry.

Mr. FARENTHOLD. I don't mean to cut you off.

So what the President has asked for recently is the ability to do expedited repatriation, more judges to handle some of these claims, and some money to pay for it. Those are kind of his three big asks in his last speech.

Governor PERRY. Right.

Mr. FARENTHOLD. As a conservative, do you have a problem with any one of those requests?

Governor PERRY. As an American, let me put it that way, and I don't think it matters whether you are a conservative or a liberal because this issue isn't about—

Mr. FARENTHOLD. I think the only part we are going to argue about is where that money comes from. Do we just turn on the printing presses and make it, or do we find it from somewhere else?

Governor PERRY. Well, here is my issue. I think the dollars need to be spent on border security first, and I am going to stay on that record, and I am going to sound like a broken record. But the fact is, until we secure this border—

Mr. FARENTHOLD. But we are still going to have the kids.

Governor PERRY. I understand that.

Mr. FARENTHOLD. If we had 100 percent border security, every child that—let's assume border security is we stop everybody within a mile of the border. We are still going to have people we are going to have to send back, and we are going to have to deal with those, especially the children.

Governor PERRY. I understand that, and we prioritize every day in Austin, Texas about where we are going to expend our dollars and appropriate thusly, and I would suggest to you, you have a lot of smart people in Washington, DC and capable individuals, and you will appropriate where the priorities are. If the priority is to be able to expedite those young people back to the countries that they come from, then I suggest that that is what will occur. I hope that is, in fact, a priority with this administration and with this Congress.

Mr. FARENTHOLD. If we can't find the money somewhere else, it is basically saying there is nothing we do in Government less important than this, and I think we will all agree there are a lot of things we do in Government that are less important than this.

Governor PERRY. I am thinking you are correct.

Mr. FARENTHOLD. Thank you.

Chairman MCCAUL. Thank you, Governor. Thanks so much for being here today.

Governor PERRY. You are welcome.

Chairman MCCAUL. Thanks for your leadership.

Let me just say this for the record. This committee passed, in a bipartisan way, which is almost unheard-of in the climate in Washington, a border security bill. But it has yet not seen the light of day on the Floor. I think if anything comes out of this crisis, it demands that we put that bill on the Floor and pass it.

With that, Governor, thanks again.

Ms. JACKSON LEE. Will the gentleman yield for a moment?

Chairman MCCAUL. You have a great team behind you.

I yield to the gentle lady.

Ms. JACKSON LEE. I thank the gentleman.

This was a bill that we worked with extensively. Let me make mention of Ms. Miller, who was my Chairwoman on the Border and Maritime Security Subcommittee. I think it is important for Texas to know that we have passed out of the Homeland Security Committee a very extensive bill that responds to concerns by the State and Governor as well, but also has the humanitarian element to it, particularly in the area of the question of human trafficking. So I

would support the gentleman from Texas, that we pass that bill. I know you can't cause a bill to be passed in the House of Representatives, but I would encourage the Speaker to put that bill on the Floor and for us to be able to vote on it.

I thank the gentleman for yielding, and I thank you, Mr. Governor, for your service to the State and to the Nation. Thank you very much.

Governor PERRY. Can I just say again, as you leave, this may be a monumental moment for this country, because if there is one issue, I think America is begging to see Washington really work and work well and to address a major issue that faces us, and this committee has that opportunity, Democrats and Republicans alike, working together to find a solution to this great challenge of our time. I have truly enjoyed sitting in front of you, and I have great hope that you, with the work that you are about to do, working together, can send a message all across this country that not only is Washington a functional place but that men and women can sit together. We can disagree on some areas but find that middle ground and find that solution to this issue that challenges us.

God bless you, and thank you.

Chairman McCAUL. Well said. Thank you. Thank you, Governor.

I welcome the second panel to today's hearing.

First we have Mr. Kevin Oaks, who is the chief patrol agent, sector agent for the Rio Grande Valley sector. Chief Oaks most recently served as the operations division chief in the Office of the United States Border Patrol in Washington. He was also in Afghanistan.

Now you are down the border. You have been in some interesting places.

His distinguished career includes a variety of leadership positions, including chief patrol agent, the Buffalo Sector, and commander of the Border Patrol Tactical Unit.

Next is my good friend Steve McCraw, director of the Texas DPS, a position he assumed in August 2009. Prior to his service, he had served over 20 years in the Federal Bureau of Investigations, where I had the distinct honor and privilege to work with him as a Federal prosecutor.

Next, Mr. J.E. Guerra, appointed interim sheriff for Hidalgo County, one of the largest law enforcement agencies in the State. In April this year he joined. He has a long record of service, most recently serving as precinct constable before becoming sheriff.

Next, Honorable Ramon Garcia, serving a term as chief administrative officer for the county of Hidalgo. In his capacity as county judge, he chairs the Hidalgo County Commissioners Court, the governing body that makes policy decisions that guide the direction of county operations.

Last, we have the Most Reverend Mark Seitz, the Bishop of the Catholic Diocese of El Paso.

Thank you so much for being here today.

He is testifying on behalf of the U.S. Conference of Catholic Bishops. Bishop Seitz is testifying on behalf of the Committee of Migration of the Conference, which sets broad policy and direction for the Church's work in the area of migration.

Witnesses' full statements will appear in the record.

The Chairman now recognizes Chief Oaks for his testimony.

STATEMENT OF KEVIN W. OAKS, CHIEF PATROL AGENT, RIO GRANDE VALLEY SECTOR, U.S. BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION

Mr. OAKS. Good afternoon, Chairman McCaul, Ranking Member Jackson Lee, and distinguished Members. Thank you for the opportunity to testify today about U.S. Customs and Border Protection's efforts to address the recent rise of unaccompanied children and others crossing our border into the Rio Grande Valley.

As you know, Secretary Johnson testified on June 24 before the Homeland Security Committee about these very issues, and my testimony today echoes and reaffirms his comments.

We face an urgent situation in the Rio Grande Valley. Last fiscal year, CBP apprehended more than 24,000 unaccompanied children at the border. By mid-June of this fiscal year, that number has doubled to more than 52,000. Those from the countries of Guatemala, El Salvador, and Honduras make up about three-quarters of that migration.

I am on the front lines of this effort. The Border Patrol has done heroic work during difficult and challenging conditions. I have personally seen first-hand the Border Patrol Agents stepping up to ensure that we remain vigilant and effective in securing the border while also providing care for people who are desperate, many of whom are children and women traveling with children. I am proud of our efforts, and I am particularly proud of the men and women of the United States Border Patrol who daily exemplify the highest commitment to service to our country.

As Secretary Johnson said on June 24, this is a humanitarian issue as much as it is a matter of border security. We are talking about large numbers of children, without their parents, who have arrived at our border. How we treat the children, in particular, is a reflection of our laws and our values.

Therefore, to address this situation, the Department's three-pronged strategy is to process the increased tide of unaccompanied children through the system as quickly as possible, stem the increased tide of illegal migration into the Rio Grande Valley, and do these things in a manner consistent with our laws and values as Americans.

The Department has taken a number of steps, including declaring a Level IV condition of readiness so additional resources from across the Department are available. On June 1, the President directed Secretary Johnson to establish a Unified Coordination Group to bring to bear the assets of the entire Federal Government. The group includes the Department of Homeland Security and all of its components, the Departments of Health and Human Services, Defense, Justice, State, and the General Services Administration. Secretary Johnson, in turn, designated FEMA Administrator Fugate to serve as the Federal Coordinating Official for the U.S. Government-wide response. Under Administrator Fugate's supervision and leadership, there are now more than 140 interagency personnel stationed in FEMA's National Response Coordination Center directed to this effort. The broad range of these efforts is detailed in my testimony.

Of particular note, given the influx of unaccompanied children in the RGV, we have increased CBP staffing and detailed 115 experienced agents from less active sectors to augment operations in the Rio Grande Valley. Secretary Johnson has also authorized sending another 150 Border Patrol Agents based on his review of our operations. These additional agents allow the Rio Grande Valley the flexibility needed to achieve more interdiction effectiveness and increase CBP's operational footprint in our targeted zones.

In early May, Secretary Johnson directed the development of the Southern Border and Approaches campaign planning effort that is putting together a strategic framework to further enhance security of our Southern Border. We also have ramped up our efforts with the governments from the countries from which these people are coming—El Salvador, Guatemala, Honduras, and also Mexico. The Secretary will be traveling to Guatemala next week, and we have launched a public messaging campaign in Central America to discourage migrants from taking this dangerous journey.

Finally, we will continue to work closely with Congress on this problem and keep you all informed. DHS is updating Members and staff as the situation evolves with conference calls, and we are facilitating site visits to Border Patrol facilities in Texas and Arizona. Secretary Johnson has directed his staff and agency leaders to be forthright in bringing him every conceivable and lawful option for consideration to address this problem.

In cooperation with other agencies and our Federal Government that are dedicating resources to this effort, with the support of Congress, and in cooperation with the governments of Mexico and Central America, we believe we can stem this tide.

Thank you very much, and I will take any questions as they come.

[The prepared statement of Mr. Oaks follows:]

PREPARED STATEMENT OF KEVIN W. OAKS

JULY 3, 2014

Chairman McCaul, Ranking Member Thompson, and Members of the committee: Thank you for the opportunity to testify today about U.S. Customs and Border Protection (CBP) efforts to address the recent rise of unaccompanied children and others crossing our border in the Rio Grande Valley (RGV). As you know, Secretary Johnson testified on June 24 before the House Committee on Homeland Security about this situation. My testimony today echoes and reaffirms his comments.

We face an urgent situation in the RGV. Last fiscal year, CBP apprehended more than 24,000 unaccompanied children at the border. By mid-June of this fiscal year, that number has doubled to more than 52,000. Those from Guatemala, El Salvador, and Honduras make up about three-quarters of that migration.

As Secretary Johnson said on June 24, this is a humanitarian issue as much as it is a matter of border security. We are talking about large numbers of children, without their parents, who have arrived at our border—hungry, thirsty, exhausted, scared, and vulnerable. How we treat the children, in particular, is a reflection of our laws and our values.

Therefore, to address this situation, the Department's strategy is three-fold: (1) Process the increased tide of unaccompanied children through the system as quickly as possible; (2) stem the increased tide of illegal migration into the RGV; and (3) do these things in a manner consistent with our laws and values as Americans.

So, here is what we are doing:

First, on May 12, Secretary Johnson declared a Level IV condition of readiness within DHS, which is a determination that the capacity of CBP and ICE to deal with the situation is full and we need to draw upon additional resources across all of DHS. He appointed Deputy Chief Vitiello to coordinate this effort within DHS.

Second, on June 1, President Obama, consistent with the Homeland Security Act, directed Secretary Johnson to establish a Unified Coordination Group to bring to bear the assets of the entire Federal Government on the situation. This group includes DHS and all of its components, the Departments of Health and Human Services, Defense, Justice, State, and the General Services Administration. Secretary Johnson, in turn, designated FEMA Administrator Fugate to serve as the Federal Coordinating Official for the U.S. Government-wide response. Under Administrator Fugate's supervision, there are now more than 140 interagency personnel and members stationed in FEMA's National Response Coordination Center dedicated to this effort.

Third, we established added capacity to deal with the processing and housing of the children, we are creating additional capacity in places, and we are considering others. To process the increased numbers of unaccompanied children in Texas, DHS has had to bring some of the children to our processing center at Nogales, Arizona before they are transferred to HHS. We are arranging additional processing centers to handle the rise in the RGV. Meanwhile, the Department of Defense (DoD) has provided space at Lackland Air Force Base in Texas for HHS to house the children before HHS can place them. DoD is also providing facilities at Fort Sill, Oklahoma and Ventura, California for the same purpose. DHS and HHS are working to continue to identify additional facilities for DHS and HHS to house and process the influx of children.

Fourth, DHS and HHS are increasing Spanish-speaking case management staff, increasing staff handling incoming calls from parents or guardians, raising awareness of the Parent Hotline (provided by FEMA and operated by HHS), surging staff to manage the intake of CBP referrals to track shelter bed capacity, and facilitate shelter designations. We are developing ways to expedite background checks for sponsors of children, integrate CBP and HHS information-sharing systems, and increase capacity to transport and place children. (As Secretary Johnson noted on June 24, the Border Patrol and other CBP personnel, as well as personnel from ICE, FEMA, the Coast Guard, and HHS, are doing a remarkable job in difficult circumstances. Not-for-profit groups like the HHS-grantee BCFS¹ also have stepped in quickly and are doing a remarkable job sheltering the unaccompanied children at Lackland, identifying and then placing them consistent with HHS' legal obligations. All of these dedicated men and women deserve our recognition, support, and gratitude.)

Fifth, DHS is building additional detention capacity for adults who cross the border illegally in the RGV with their children. For this purpose DHS established a temporary facility for adults with children on the Federal Law Enforcement Training Center's campus at Artesia, New Mexico. The establishment of this temporary facility will help CBP process those encountered at the border and allow ICE to increase its capacity to house and expedite the removal of adults with children in a manner that complies with Federal law. Artesia is one of several facilities that DHS is considering to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the Southwest Border. DHS will ensure that after apprehension, families are housed in facilities that adequately provide for their safety, security, and medical needs. Meanwhile, we will also expand use of the Alternatives to Detention program to utilize all mechanisms for enforcement and removal in the RGV Sector. DOJ is temporarily reassigning immigration judges to handle the additional caseload via video teleconferencing. These immigration judges will adjudicate these cases as quickly as possible, consistent with all existing legal and procedural standards, including those for asylum applicants following credible fear interviews with embedded DHS asylum officers. Overall, this increased capacity and resources will allow ICE to return unlawful migrants from Central America to their home countries more quickly.

Sixth, DHS has brought on more transportation assets to assist in the effort. The Coast Guard is loaning air assets to help transport the children. ICE is leasing additional charter aircraft.

Seventh, throughout the RGV Sector, we are conducting public health screening for all those who come into our facilities for any symptoms of contagious diseases or other possible public health concerns. Both DHS and HHS are ensuring that the children's nutritional and hygienic needs are met while in our custody; that children are provided regular meals and access to drinks and snacks throughout the day; that they receive constant supervision; and that children who exhibit signs of illness or disease are given proper medical care. We have also made clear that all individuals will be treated with dignity and respect, and any instances of mistreatment reported to us will be investigated.

¹BCFS—not an acronym—was formerly known as Baptist Child Family Services.

Eighth, working through FEMA's National Response Coordination Center, DHS is coordinating with voluntary and faith-based organizations to help us manage the influx of unaccompanied children crossing the border. The American Red Cross is providing blankets and other supplies and, through their Restoring Family Links program, is coordinating calls between children in the care of DHS and families anxious about their well-being.

Ninth, to stem the tide of children seeking to enter the United States, DHS has also been in contact with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interests, the underlying conditions in Central America that are promoting the mass exodus, and how we can work together to assure faster, secure removal and repatriation. Last month, President Obama spoke with Mexican President Peña Nieto about the situation, as has Secretary Kerry. On June 20, Vice President Biden also visited Guatemala to meet with regional leaders to address the influx of unaccompanied children and families from Central America and the underlying security and economic issues that are causing this migration. The Vice President announced that the United States will be providing a range of new assistance to the region, including \$9.6 million in additional funding for Central American governments to receive and reintegrate their repatriated citizens, and a new \$40 million U.S. Agency for International Development program in Guatemala over 5 years to improve citizen security. An additional \$161.5 million will be provided this year under the Central American Regional Security Initiative to further enable Central American countries to respond to the region's most pressing security and governance challenges. Secretary Johnson will travel to Guatemala on July 8–9. The government of El Salvador has sent additional personnel from its consulate in the United States to South Texas to help expedite repatriation to its country.

Tenth, DHS, together with DOJ, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the RGV. Homeland Security Investigations, which is part of ICE, is surging 60 additional criminal investigators and support personnel to their San Antonio and Houston offices for this purpose. In May, ICE concluded a month-long, targeted enforcement operation that focused on the logistics networks of human smuggling organizations along the Southwest Border, with operations in El Paso, Houston, Phoenix, San Antonio, and San Diego that resulted in 163 arrests of smugglers. ICE will continue to vigorously pursue and dismantle these alien smuggling organizations by all investigative means to include the financial structure of these criminal organizations. These organizations not only facilitate illegal migration across our border, they traumatize and exploit the children who are objects of their smuggling operation. We will also continue to work with our partners in Central America and Mexico to help locate, disrupt, and dismantle transnational criminal smuggling networks.

Eleventh, we are initiating and intensifying our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States, and the dangers of putting children into the hands of criminal smuggling organizations.

In collaboration with DHS, the Department of State has launched public awareness campaigns in El Salvador, Guatemala, and Honduras, to warn families about the dangers encountered by unaccompanied minors who attempt to travel from Central America to the United States, and to counter misperceptions that smugglers may be disseminating about immigration benefits in the United States. Our embassies in Central America have collaborated with CBP to ensure both the language and images of the campaign materials would resonate with local audiences. Secretary Johnson has personally issued an open letter (see attached) to the parents of those who are sending their children from Central America to the United States, to be distributed broadly in Spanish and English, to highlight the dangers of the journey, and to emphasize there are no free passes or "permisos" at the other end. The public awareness campaign stresses that Deferred Action for Childhood Arrivals, or "DACA," does not apply to children who arrive now or in the future in the United States, and that, to be considered for DACA, individuals must have continually resided in the United States since June 2007. We are making clear that the "earned path to citizenship" contemplated by the Senate bill passed last year would not apply to individuals who cross the border now or in the future; only to those who have been in the country for the last year-and-a-half.

Twelfth, given the influx of unaccompanied children in the RGV, we have increased CBP staffing and detailed 115 additional experienced agents from less active sectors to augment operations there. Secretary Johnson is considering sending 150 more Border Patrol Agents based on his review of operations there this past

week. These additional agents allow RGV the flexibility needed to achieve more interdiction effectiveness and increase CBP's operational footprint in targeted zones within its area of operations.

Thirteenth, in early May, Secretary Johnson directed the development of a Southern Border and Approaches Campaign Planning effort that is putting together a strategic framework to further enhance security of our Southern Border. Plan development will be guided by specific outcomes and quantifiable targets for border security and will address improved information sharing, continued enhancement and integration of sensors, and unified command-and-control structures as appropriate. The overall planning effort will also include a subset of campaign plans focused on addressing challenges within specific geographic areas, all with the goal of enhancing our border security.

Finally, we will continue to work closely with Congress on this problem, and keep you informed. DHS is updating Members and staff on the situation in conference calls, and we are facilitating site visits to Border Patrol facilities in Texas and Arizona for a number of Members and their staff.

Secretary Johnson has directed his staff and agency leaders to be forthright in bringing him every conceivable, lawful option for consideration, to address this problem. In cooperation with the other agencies of our government that are dedicating resources to the effort, with the support of Congress, and in cooperation with the governments of Mexico and Central America, we believe we will stem this tide. Thank you.

ATTACHMENT.—AN OPEN LETTER TO THE PARENTS OF CHILDREN CROSSING OUR SOUTHWEST BORDER

This year, a record number of children will cross our Southern Border illegally into the United States. In the month of May alone, the number of children, unaccompanied by a mother or father, who crossed our Southern Border reached more than 9,000, bringing the total so far this year to 47,000. The majority of these children come from Honduras, El Salvador, and Guatemala, where gang and drug violence terrorize communities. To the parents of these children I have one simple message: Sending your child to travel illegally into the United States is not the solution.

It is dangerous to send a child on the long journey from Central America to the United States. The criminal smuggling networks that you pay to deliver your child to the United States have no regard for his or her safety and well-being—to them, your child is a commodity to be exchanged for a payment. In the hands of smugglers, many children are traumatized and psychologically abused by their journey, or worse, beaten, starved, sexually assaulted, or sold into the sex trade; they are exposed to psychological abuse at the hands of criminals. Conditions for an attempt to cross our Southern Border illegally will become much worse as it gets hotter in July and August.

The long journey is not only dangerous; there are no “permisos,” “permits,” or free passes at the end.

The U.S. Government's Deferred Action for Childhood Arrivals program, also called “DACA,” does not apply to a child who crosses the U.S. border illegally today, tomorrow, or yesterday. To be eligible for DACA, a child must have been in the United States prior to June 15, 2007—7 years ago.

Also, the immigration reform legislation now before Congress provides for an earned path to citizenship, but only for certain people who came into this country on or before December 31, 2011—2½ years ago. So, let me be clear: There is no path to deferred action or citizenship, or one being contemplated by Congress, for a child who crosses our border illegally today.

Rather, under current U.S. laws and policies, anyone who is apprehended crossing our border illegally is a priority for deportation, regardless of age. That means that if your child is caught crossing the border illegally, he or she will be charged with violating United States immigration laws, and placed in deportation proceedings—a situation no one wants. The document issued to your child is not a “permiso,” but a Notice To Appear in a deportation proceeding before an immigration judge.

As the Secretary of Homeland Security, I have seen first-hand the children at our processing center in Texas. As a father, I have looked into the faces of these children and recognized fear and vulnerability.

The desire to see a child have a better life in the United States is understandable. But, the risks of illegal migration by an unaccompanied child to achieve that dream are far too great, and the “permisos” do not exist.

JEH C. JOHNSON
Secretary of the U.S. Department of Homeland Security.

Chairman MCCAUL. Thanks, Chief.
The Chairman now recognizes Colonel McCraw.

**STATEMENT OF STEVEN C. MCCRAW, DIRECTOR, TEXAS
DEPARTMENT OF PUBLIC SAFETY**

Mr. MCCRAW. Mr. Chairman, Ms. Jackson Lee, thank you for allowing me to be here today. I will try to make it quick.

The bottom line is that there are consequences for an unsecured border with Mexico. This is the latest consequence. Some of those consequences have been the emergence of Mexican cartels. Six of the eight cartels operate in Texas. They have turned parts of Texas into a trans-shipment center for the Nation as it relates to drugs and human smuggling and trafficking. We lead the Nation right now in terms of pushing through marijuana, cocaine, methamphetamine, and heroin. So if you have a drug problem in your State, in your city, in your community, you have a Zeta problem. You have a Gulf cartel problem. You have a Mecinto Carrero problem. That has been that way for a number of years.

We talk about it in terms of the safety or security as it relates to transnational criminal organizations, specifically the cartels. There has never been an organized crime group in this Nation's history or anywhere in the world that has been more vicious, that has adapted and utilized and embraced terrorist tactics to intimidate and coerce the people, the journalists, the government. They have butchered over 80,000 men, women, and children since 2006, and these are the organizations that operate in Texas right now. They leverage transnational gangs. They work with our prison gangs.

It is one thing when you talk about working across the lines. We have investigations where a Gulf cartel is working with the Mexican mafia, a Chinese-based gang out of Houston, and also the Aryan Brotherhood. It is the one area where race doesn't matter because it is about money.

What these cartels are focused on is making money. It is not ideology. They come, they cross, they own these corridors between our ports of entry and on our bridges, and the whole purpose is to make money. You don't have to take my word or Texas' word for it. You talk to your other colonels in your States, talk to your chiefs of police, talk to your sheriffs.

The strategies that work have been proven over the last several decades, and one of those strategies is saturation patrols in high clusters of crime. When your motive in crime happens to be organized smuggling, then the impact you can have can be dramatic if you are willing to commit the resources and conduct sustained saturation patrols around the clock.

Border Patrol is an outstanding organization. The men and women are on the front line of our National defense these days. The bottom line is you haven't given them enough resources to do their job. It doesn't matter what anybody says. It is a matter of math. If they can't sustain saturation patrols on the river, the battle to secure it is not in Washington, DC or Austin. It is on the river itself. If they don't have those resources around the clock, then this can have an impact on our communities.

The impacts on our communities—you know, we talk about crime is up, crime is down, but the bottom line is it is not safer. I will use as an example that where else in the country can you get on a river and have law enforcement officers shot at over 108 times? Where does that happen? I didn't see that up in Canada the last time I checked, or on the Great Lakes. We don't see in terms of these human and drug stash houses where you cram 110 people into a 112-foot box and you engage in these stash house extortions and kidnappings. They have already paid their money to get here, and you can rest assured there are a certain percentage of the females that are going to be sexually assaulted, and the bottom line is there is going to be extortion before they get out.

They don't mind starving and keeping people maintained at that location. This happens here. It happens in Houston now, as you are well aware of, Ms. Jackson Lee, in terms of human trafficking. We just took down a case where 10 illegal immigrants were running this operation. They had been running it for several years, and we rescued 13 victims. I say "victims" because these were young children that were enticed, lured, and brought in to work in the underground economy as nannies, in domestic service capacities in restaurants, promised that they got here. They were raped, beaten, and compelled into prostitution.

This is the type of activity you have when you open your borders and allow crime to come in, because another part of that crime that comes in is criminal aliens. We talk about this crisis. It is a crisis. It is a crisis of them traversing from Guatemala to the United States is the crisis.

Make no mistake about Guatemala. I mean, the cartels are in Guatemala. Zeta has contributed to the transnational gang problem in Guatemala, in Central America. So we have this transnational crime. We have this globalization of crime that is going on, but it is being fueled by an unending demand for forced labor in this country, and drugs. That is what is enriching the cartels.

With their terrorist tactics, it is having an impact on our communities. Where else in the State of Texas do we have these pursuits where people are so in fear for their lives that they will run as soon as they get the lights on in such a dangerous way that they splash in the Rio Grande River, and if they don't there are consequences to it? You don't see it in other locations like that.

Home invasions, where cliques come together and go into houses, and when they get into the houses it is a takeover. Guess what? It is not misdemeanor robbery just because they missed the cartels. Many times it is innocent individuals, as the Sheriff can attest to, that they come across, pseudo cop stops, public corruption. I mean, the cartels seek to undermine the rule of law in Texas, and there is not a Texan that deserves to have cartels and transnational gangs traversing across their lands, and they should not ever feel in fear.

What happens in the Rio Grande Valley, which is the center of gravity right now for drug and human trafficking, doesn't stay in the Rio Grande Valley. It is in North Carolina. It is in California. I mean, you have to realize in California you have the—well, he is not here anymore, but you have to deal with the Tijuana cartel.

But guess what? You have other cartels to deal with. So it doesn't just stay in the Rio Grande Valley.

It is important. Can we do it? Absolutely. I will tell you what, a message, only one message right here to the Gulf cartel who controls this corridor: Hey, we are going to pour troopers and Texas Rangers and agents into this area until they are shut down. They will shut down, I will guarantee it.

Our State legislature, they are not going to give you a hand. At the end of the day, there is accountability. They want to know how we spent it, they want to know what we spent it on and what we achieved in spending it, and the last part of that, what is the return on investment? Did we secure it? Did we make Texans safer? Did we make the Nation safer? I have no doubt they are not afraid of providing a little tough love and accountability feedback.

But I am also guaranteeing—and this is axiomatic. If you give Border Patrol the resources they need, Texas is going to be a lot better. There is not a Texas State legislator to talk to that wants to spend money on border security. They don't. Education, transportation, health care, health, that is exactly what they want to spend it on, and they don't like the idea. But at the same point, they made no mistake about it, that we have an obligation to secure between the ports of entry and support Border Patrol, and we are going to take care of Texas.

That concludes my testimony.

[The prepared statement of Mr. McCraw follows:]

PREPARED STATEMENT OF STEVEN C. MCCRAW

JULY 3, 2014

Chairman McCaul, Congressman Cuellar and other honorable Members of this Congressional committee: My name is Steven McCraw, and I serve as the director of the Texas Department of Public Safety. As you know, I have had the honor to appear before this committee on three previous occasions and provided testimony about the consequences of an unsecured border with Mexico. The latest consequence, and the reason for this hearing, is the dramatic increase in the number of unaccompanied alien children (UAC) risking their lives to be smuggled into the Rio Grande Valley of Texas.

These children correctly believe that the U.S. border with Mexico is not secure, and with the assistance of human smugglers, they will be able to arrive on U.S. soil and turn themselves into the U.S. Border Patrol. They also believe that they will have an opportunity to remain with family members living in the United States, and whether this point is true matters not, as they perceive it as such.

As a result these children, primarily from Central America, continue to make this dangerous journey in record numbers, which has overwhelmed U.S. Border Patrol detention facilities in the Rio Grande Valley and elsewhere. Tragically, some of these children have also become victims of violent crime while traveling across Mexico. Additionally, public health officials are rightly concerned about the spread of disease among the children in the detention facilities and within the communities they are released into. Children from Central America will continue to become victims of violent crime and risk other dangers as long as they continue to traverse Mexico in search of refuge in the United States. The Mexican Cartels are not responsible for the UAC crisis, but they do benefit from smuggling fees and the diversion of Border Patrol resources to address the influx of UAC.

There are many other consequences of an unsecured border with Mexico, which we have provided in previous testimonies. Certainly, the evolution of Mexican drug trafficking organizations into powerful and vicious organized crime cartels, which dominate the U.S. drug and human smuggling market, is a direct result of a porous border. Mexican Cartels traffic marijuana, cocaine, heroin, and methamphetamine throughout the United States and in Mexico they engage in kidnappings, robberies, human trafficking, extortions, and murders for profit. They employ corruption and terrorism tactics and strategies to protect their criminal operations, having killed

more than 80,000 people in Mexico, and they pose a serious threat to the domestic security of Mexico.

The consequences of an unsecured border with Mexico also undermine public safety in Texas communities along the border, as evidenced through confirmed cartel-related kidnappings and extortions; public corruption; high-speed, felony vehicle evasions from law enforcement; drug and human stash houses; home invasions; the recruitment of children to support cartel operations as look-outs and mules; pseudo cops; shootings at law enforcement officers patrolling the Rio Grande River; contract killings; and dangerous bail-outs of undocumented aliens.

Another consequence seldom discussed is the high number of criminal aliens arrested for nonimmigration crimes throughout Texas. Since 2008, more than 200,000 criminal aliens who have been charged with over 600,000 State crimes throughout their criminal careers, including over 3,000 homicides and nearly 8,000 sexual assaults. Today, more than 8 percent of all persons booked into Texas jails are criminal aliens, and of that criminal alien total, over 40 percent are recidivists—meaning they have at least one prior criminal arrest in Texas.

It is important that I acknowledge the men and women of the U.S. Border Patrol for their actions in addressing the current situation. They serve on the front line in protecting our State and Nation from an array of public safety and homeland security threats, and they face incredible challenges every day.

In a perfect world, the men and women of the Border Patrol operating along the U.S.-Mexico border would already have sufficient resources and staffing levels to successfully secure the border—but they currently do not.

One of the challenges they face is a Federal bureaucracy that impedes their ability to perform their mission. Specifically, Border Patrol Agents are restricted in the manner in which they can conduct patrols in Federal refuge areas contiguous with Mexico, which is exploited by the Mexican Cartels. Texas farmers and ranchers along the Texas/Mexico border provide Border Patrol Agents greater access to their personal property than does the Federal Government.

It is also important to note that local law enforcement agencies including Texas sheriffs' offices and police departments find themselves on the front lines of keeping their communities, and quite frankly the rest of the Nation, safe from international criminal activity. Local law enforcement agencies along the border face unique challenges and the consequences have grave State-wide and National consequences. Therefore, the leadership of the State has tasked DPS with supporting Texas border sheriffs and our other law enforcement partners along the border to combat transnational crime.

The Texas Legislature has continued to provide funding to enhance border security, and DPS has dedicated a significant amount of resources, technology, equipment, and personnel toward that effort. These resources include state-of-the-art aerial assets, enhanced patrols, advanced monitoring technology, enhanced communication capabilities, increased personnel, and overtime. Texas also employs a unified command structure to respond to myriad threats along the border, and has developed contingency plans designed for rapid response and deployment of law enforcement resources.

Texas continues to address the evolving threats and criminal elements operating along our border through efforts including but not limited to:

- *Operation Border Star*.—A State-led initiative launched in 2007, which has built on the successes of previous operations with unprecedented local, State, and Federal law enforcement coordination. Operation Border Star includes 165 agencies, including border sheriff offices and the U.S. Border Patrol. With the assistance and funding from the 80th, 81st, 82nd, and 83rd Legislatures, Texas has been able to amplify these efforts each session.
- *Overtime Funds*.—Texas local law enforcement agencies on the border have been able to increase their patrol capability with these funds to address transnational crime in their communities.
- *Ranger Reconnaissance (Recon) Teams*.—A highly-trained tactical team that conducts both overt and extended covert operations in remote areas along the border, aimed at disrupting and deterring criminal activity. (*These teams have the capability to mobilize to different areas based on the locations with the greatest threat.*)
- *Operation Drawbridge*.—Innovative technology systems to monitor remote areas of the border on a 24/7 basis, using low-cost, commercially off-the-shelf technology (wildlife motion-detecting cameras) that have been adapted to meet law enforcement needs. Since January 2012, Operation Drawbridge and its partnership with the U.S. Border Patrol, and Texas border sheriffs and landowners have resulted in the apprehension of more than 37,000 individuals and more than 66 tons of drugs.

- *Tactical Marine Unit.*—With funding from the 82nd Texas Legislature and U.S. DHS grants, DPS created a Tactical Marine Unit (TMU) and acquired six 34-foot shallow water interceptor boats to deter those who break State laws and endanger Texans along the Rio Grande River and Intracoastal Waterways. This fleet of patrol vessels represents a significant enhancement to the State's efforts in combating Mexican drug cartels and in taking back the river from ruthless criminal organizations.
- *Criminal Enterprise Investigations.*—DPS agents specialized in organized crime investigations, conduct multi-agency, multi-jurisdictional investigations targeting the command-and-control cartel and gang networks overseeing drugs, human smuggling, and trafficking operations.
- *Border Prosecutors Unit.*—A key component of this effort is the Border Prosecutors Unit, which is vital to criminal enterprise investigations and prosecutions and public corruption investigations by dedicating expert prosecutors to these critical efforts.
- *Advanced Aviation Assets.*—The Texas Legislature funded state-of-the-art DPS helicopters with FLIR (forward looking infrared radar) and night-vision capabilities that enables DPS to detect smuggling activity, which allows us to support and direct interdictions by ground patrol officers. The legislature also funded a high-altitude, fixed-wing aircraft to enable DPS support of law enforcement operations along the border. These border aviation assets are responsible for over 13,000 arrests, \$87 million in drug seizures and the rescue of 137 people.

The Texas Department of Public Safety has been directed by the leadership of Texas to implement our operations plan to conduct surge operations along the Texas/Mexico border. DPS troopers, agents, and Texas Rangers from around the State are being deployed to the Rio Grande Valley to conduct data-driven, multi-agency, ground, air, and marine saturation patrols in high-threat areas for sustained periods of time to deny Mexican Cartels, transnational gangs, and criminal aliens unfettered entry into Texas between the Ports of Entry, and in doing so, reduce transnational crime in our communities.

We illustrated the efficacy of this approach during the initial 21-day Operation Strong Safety in the Rio Grande Valley in 2013, and with the funds authorized by the Texas leadership, we have significantly expanded saturation patrols on, along, and above the Rio Grande River and we have been directed to sustain the operation until further notice. I can assure you that in my discussions with the honorable members of the Texas State Legislature, they would prefer to spend State funds that they have allocated to border security on other vital priorities, such as education, transportation, and public health; however, there is an understanding in Texas that protecting our citizens is a fundamental responsibility of government, and they will do whatever necessary to protect the people of Texas.

Chairman McCAUL. Thank you, Steve.
Sheriff Guerra.

**STATEMENT OF JOSE EDUARDO "EDDIE" GUERRA, INTERIM
SHERIFF, SHERIFF'S OFFICE, HIDALGO COUNTY, TEXAS**

Sheriff GUERRA. Good afternoon, Mr. Chairman, Members of the committee. My name is Eddie Guerra. I am the Hidalgo County Sheriff. I have over 20 years serving in various capacities in law enforcement in South Texas.

I would like to begin by thanking you for giving me the opportunity to testify before you here today. I have under my command nearly 800 personnel, including sheriff deputies, detention officers, and administrative support staff.

As sheriff, my primary duty lies with the preservation of the peace, which can be challenging because of our proximity to the U.S.-Mexico border. Hidalgo is the eighth-largest county in the State of Texas, and we are responsible for protecting the residents of the unincorporated parts of the county and preserving the laws of our State. Put it another way, Hidalgo County is 1,583 square miles, and we patrol 75 miles of the international border.

There are three things that I would like you to understand about our current situation. No. 1, the recent surge of illegal immigration

from Central America has proven to be a challenge for law enforcement, and especially for our Federal partners. No. 2, although it is a Federal issue, local law enforcement is impacted by the surge of illegal immigration. No. 3, the threat to law enforcement and their safety is not coming from these immigrants but rather from the criminal elements that are taking advantage of them and of the situation.

I believe that the immigration issue that I am here testifying on before you here today is a Federal issue. That isn't to say that we will not share in the responsibility. In fact, we frequently partner with our local, State, and Federal law enforcement agencies and continue to cooperate with our Federal partners today by using State and Federal grant money in support of their mission.

But the Sheriff's Department cannot be associated in the public's eye as the enforcer of immigration law. That not only is counter-productive but actually puts lives at risk, and oftentimes undocumented persons hesitate to come forward as victims of crimes for fear of deportation.

My directive to deputies is that we will assist our Federal partners in conducting rescue operations and in dismantling the transnational criminal organizations that exploit these immigrants. The influx of immigrants has impacted my office in very specific ways. Currently, the family units and OTM immigrants crossing the border are turning themselves in. Their only crime is entering our country illegally. The vast majority are not committing any State crime. Should one of my deputies come across an undocumented person, we refer them to U.S. Border Patrol, which responds and takes them into custody.

My greatest concern is the immigrant deaths that we respond to. There are dozens of immigrants who have lost their lives trying to fulfill their hope of finding freedom and opportunity here. In 2012, we responded to 19 immigrant deaths. In 2013, we responded to 25 immigrant deaths, which is a 31.5 percent increase from the previous year. This year we have already responded to 14 immigrant deaths. Bodies are found in the river or in the brush, many in deplorable conditions. Many of these immigrants die from drowning and heat exposure.

But the hardest to take are the deaths of children. Most recently we responded to the death of an 11-year-old boy from Guatemala. His decomposed body was found in the brush just a quarter of a mile away from a residential neighborhood where he could have sought help. Make no mistake about it, the South Texas conditions are harsh and unrelenting, and the trek, as in the case of this 11-year-old child, was deadly.

Earlier I commented that the threat to law enforcement and safety is not coming from these immigrants but rather from the criminal element that takes advantage of them and of the situation. My agency has responded to various calls for service that include false imprisonment, sexual assault, kidnapping, criminal mischief, home invasions, and burglaries. For the most part, the offenders are not the undocumented immigrants coming into the United States. They are the victims. The offenders are the transnational criminal organizations. Time after time, my staff briefs me on stash houses in which these undocumented persons

are held, often against their will, in deplorable conditions and traded like commodities among these criminal organizations for profit. At times, these human smugglers sexually assault the women who are victims and often feel that they have no voice because of their legal status, so the crime goes unreported.

There are instances where criminals will hold undocumented persons for ransom. Once again, some of these crimes will go unreported. On the occasions in which undocumented persons are taken into the ranchlands of South Texas to traverse the back country, the undocumented persons have no choice but to break into homes in search of water and food. The South Texas conditions are beautiful, but yet they are harsh.

As I previously stated, I am willing to accept my share of the responsibility, and we have managed the situation only with the cooperation of our State, local, and Federal partners. It is my hope that the increased attention on this issue brings much-needed resources to the area. I realize the challenges that immigration reform brings, but for me, these victims are more than just statistics. They have faces and they have names, and I firmly believe the solution lies in change in policy.

With that, I would like to close once again by thanking you, Mr. Chairman and Members of the committee, for the opportunity to come before you today, and I stand ready to answer any of your questions. Thank you.

[The prepared statement of Sheriff Guerra follows:]

PREPARED STATEMENT OF JOSE EDUARDO "EDDIE" GUERRA

JULY 3, 2014

Good afternoon, Mr. Chairman and Members of the committee. My name is Eddie Guerra and I am the Hidalgo County Sheriff. I have under my command nearly 800 personnel to include deputy sheriffs, detention officers, and administrative personnel. We are eighth largest county in the State of Texas and are tasked with patrolling 75 miles of the international border.

I would like to begin by thanking you for giving me the opportunity to testify before you here today. It is my opinion that the recent surge of illegal immigration has proven to be a challenge for our Federal partners. As Sheriff, my primary duties lie with the preservation of the peace, which can be at times challenging given our proximity to the border. The reality is that immigrants, both legal and illegal, have become a part of the fabric of our society. I believe that the immigration issue I am here testifying on before you today is a Federal issue. That isn't to say that we will not share in the responsibility, in fact, even today we continue to cooperate with our Federal partners by using State and Federal funds in support of their mission. To that end, associating my agency with the enforcement of immigration laws would be counterproductive as often-times undocumented persons hesitate to come forward as victims of crimes for fear of deportation. As such, I have directive to my deputies to assist our Federal partners in conducting rescue operations and to assist them in dismantling the transnational criminal organizations that are exploiting these immigrants.

Mr. Chairman, the influx of immigrants has impacted my office in very specific ways. Currently, the immigrants crossing are turning themselves in and are not committing any State crimes. Should one of my deputies come across any undocumented person, we refer them to the U.S. Border Patrol, which will respond and take them into custody. My greatest concern is the immigrant deaths we respond to. There are several immigrants that have attempted to make entry with hopes of freedom and opportunity and have died in the process. In 2012, we responded to 19 immigrant deaths and in 2013, we responded to 25 immigrant deaths, a 31.5% increase from the previous year. In 2014, to date we have responded to 14 immigrant deaths. These bodies are found in the river or the rush; many in deplorable conditions. Most of these immigrants died from drowning or heat exposure. Most recently, we responded to the death of an 11-year-old from Guatemala whose decom-

posed body was found in the brush. He was likely abandoned by the human smuggler that was hired to bring him across. I am saddened to report he died within a quarter mile of a residential neighborhood where he could have received help. Make no mistake, the South Texas conditions are harsh and unrelenting and the trek, as in the case of the 11-year-old child, is deadly.

Earlier I commented that the immigration surge is affecting my agency in very specific ways, my agency responds to various calls for service to include: False imprisonment, sexual assaults, kidnappings, criminal mischief, and burglaries. For the most part, the offenders are not the undocumented immigrants coming into the United States, they are the victims. The offenders are the transnational criminal organizations who employ criminals to do their bidding. Time after time, my staff briefs me of "stash houses" in which undocumented persons are held, often against their will in deplorable conditions, traded like a commodity among these criminal organizations for profit. At times, these human smugglers sexually assault the women, who as victims often feel they have no voice because of their illegal status and the crimes go unreported. There are instances where these criminals will hold for ransom undocumented persons; once again some of those crimes going unreported.

On the occasions in which the undocumented persons are taken into the ranch lands of South Texas to traverse the back country, the undocumented persons have no choice but to break into ranch homes in search of water and food. The South Texas conditions are beautiful, but harsh.

As I previously stated, I am willing to accept my share of the responsibility and we have managed the situation only through the cooperation and partnerships that have been established with our Federal, State, and local partners. It is my hope that the increased attention to this issue brings to bear much-needed resources to the area. I realize the challenges that immigration reform brings, but for me these victims are more than just statistics: They have faces and names, and I firmly believe the solution lies in a change in policy.

With that, I would like to close by once again thanking you for the opportunity to speak to you today and would like to take the opportunity to answer any of your questions.

Chairman McCAUL. Thank you, Sheriff.
The Chairman recognizes Judge Garcia.

STATEMENT OF THE HONORABLE RAMON GARCIA, HIDALGO COUNTY JUDGE, HIDALGO COUNTY, TEXAS

Judge GARCIA. Thank you, sir, and Members of the committee, Mr. Chairman. Thank you for making time to be here with us and looking at this issue close hand.

As county judge, I feel compelled to do my Chamber of Commerce thing. We are the eighth largest county in Texas. We are about 900,000 population. We have been described by *Forbes Magazine* as one of the best areas in the country to do business. We have been experiencing tremendous growth due in large part to our geographical location. We are the entryway from Mexico, as you are now realizing, and all over the country. We are the closest entry point to the United States from Central American countries. That is one of the reasons we are currently experiencing this situation.

I have been listening. I have prepared comments, but I wanted to diverge from it a little bit because I am concerned that we may be confusing the issue. I know that Congressman Farenthold, in my mind at least, wanted to dwell on it. But the issue as I see it that we are considering before this committee here today is not what to do with—how do we stop the drugs from coming, how do we stop the human trafficking from coming. The issue, I thought, was very simple: What are we going to do to address this issue of the influx of undocumented illegal children that are coming to our country from Central America?

In my mind, they do not create a public health crisis for our area. We are not dealing with drug dealers. We are not dealing with terrorists. I don't care how many more Border Patrol you get down here and put them up, hand by hand, covering the entire border. There is no need to. These people don't need to be followed and chased to be apprehended. They cross that river and they are out there looking for the Border Patrol to turn themselves in so that they can be documented.

The issue here is one of policy, as I see it, and that policy is related to this—as has been very correctly stated by Governor Perry and many Members of this committee, we are a Nation of laws, and right now we have a law on the books that gives these individuals certain rights, and one of those rights is, when they land in our country, when they cross that river and they are on U.S. soil, before they are deported back, they need to be provided with a hearing. That hearing is taking 2 to 3 years.

As Congressman Salmon correctly pointed out, actions speak louder than words. They are believing in their country that they can stay here. I mean, all you have to do is get here, they give you a piece of paper, they ask you questions, and you can go on about your business.

Well, if you really want to stop the influx of illegal undocumented children, you need to have quicker deportation hearings, detention hearings. You need to put some of those \$2 billion towards hiring more judges, towards hiring more public defenders, those resources towards addressing the issue where they can get in and get out and send them back, and they will start getting the message when busloads come back, or trainloads if that is the procedure, or planeloads of children are coming back to their country.

I just hope that we don't confuse the issue of how do we address the situation of drugs coming in or the situation of terrorists coming in.

Now, I provided you with some photographs. One of them shows the map, how clear it is, the red line from Central America to Texas, and the others are some pictures of people coming to America, as Neil Diamond would say. None of those individuals in my mind, or in anybody's mind that understands the situation, believes that they are thinking "We are going to South Texas." They are saying, "We are going to South Texas, get that 'permiso,' and then go on about and go to North Carolina and other parts of the country," and that is what is happening. If we really want to address this by talking about actions speaking louder than words, you need to address that issue, getting them back as soon as possible so that that action would send a message throughout the countries that it is not going to happen, there is no free ride, they are not going to become a U.S. citizen by getting there.

I also wanted to comment and publicly commend our local Chief of the Border Patrol Sector, Kevin Oaks, for his policies and specifically for the policy of being transparent, of immediately realizing—I think that is what has helped us in the way we have responded to this situation, versus what is going on in California. He came forth and wanted to meet with the leadership of the county so that he could explain and give us accurate information about what is

going on, information that we could then rely upon and feel safe and feel secure.

These are kids. They are not drug dealers. They are not terrorists. Then they are being treated accordingly with the laws that are presently in place under our country, which they have the right to due process or whatever term we want to use to describe them. If we want to change the laws, that is another thing. But I understand the issue of comprehensive immigration reform and how difficult it may be between now and November.

But we also want to thank our local Catholic Charities and our county residents for stepping up. We have expended approximately \$60,000 in local resources. We don't know how much longer this is going to last. We would appreciate any portion of that that we can be reimbursed for.

Thank you.

[The prepared statement of Judge Garcia follows:]

PREPARED STATEMENT OF RAMON GARCIA

JULY 3, 2014

Good afternoon, Chairman McCaul, Ranking Member Thompson, and Members of the U.S. House Committee on Homeland Security: My name is Ramon Garcia, I am the Hidalgo County Judge. I am presently serving my second term. As county judge I also chair the Hidalgo County Commissioners Court, which is the governing body that makes policy decisions that guide the direction of county operations.

I am a life-long resident of the Rio Grande Valley and am extremely proud of Hidalgo County and all of the communities within it as well as those that make up the entire Rio South Texas community. In addition to my work as county judge, I have been a lawyer for 42 years. I am licensed in all Texas courts as well as the U.S. District Court, the Southern District of Texas, the U.S. Court of Appeals, 5th Circuit, and the U.S. Supreme Court.

I commend the committee's commitment to witness this humanitarian crisis firsthand. I personally have witnessed the efforts of Members Filemon Vela and Bennie Thompson and of Congressmen Rubén Hinojosa and Henry Cuellar in sharing the facts about our South Texas border region—especially when it comes to immigration and security.

My sincere desire is that you will take our testimony and your own experiences back to Washington and not only identify the problem but provide solutions. Blaming others and turning this situation into a partisan political fight is not going to accomplish what we so urgently need here on the border and throughout our country, which is a workable solution, implemented through effective policy.

I hope to leave you with three key points today:

1. Our border communities and our country are not in danger from the women and children from Central America that are crossing our border. There is no public health crisis and their only crime is entering our country illegally.
2. That this humanitarian crisis—as well as the separate criminal element that is taking advantage of the stressed resources of the Border Patrol—is not just a South Texas or Rio Grande Valley problem. The overwhelming majority of the people coming across as well as the drugs that are smuggled into our country pass through here en route to other parts of the country.
3. The people of the Rio Grande Valley are compassionate and caring. Our communities have come together to assist in the humanitarian aid that local charities are providing to the women and children who are fortunate enough to have made it here. But we need assistance from our Federal Government to help defray the cost. According to the information we have, this influx is not going to stop any time soon.

Hidalgo County is the 8th largest of 254 counties in the State of Texas. Our county encompasses nearly 1,600 square miles with a population of close to 1 million people residing here. The South Texas sun is harsh—as you probably have experienced first-hand; so is the terrain.

According to our sheriff, there have been 14 immigrant deaths this year; most died from heat exposure or drowning. We had the first reported death of an unaccompanied minor a little over 2 weeks ago. It's heartbreaking to think of this 11-

year-old boy wandering alone, frightened, hungry and thirsty, and dying only a quarter mile away from help. One has to wonder about the conditions back home in Guatemala that would prompt loving parents to allow their child to be transported by a human trafficker. And I have no doubt that this boy—Gilberto Francisco Ramos Juarez—did have a loving family. When his remains were discovered, investigators found a telephone number for his brother in Chicago on the back of the boy's belt buckle.

This humanitarian crisis is rooted in violence and poor economic conditions in the children's home countries of Honduras, El Salvador, and Guatemala. These three countries have among the highest murder rates in the world. A recent survey conducted by the United Nations High Commissioner on Refugees of undocumented children from Mexico and Central America who arrived in the United States found that approximately 58 percent of the children interviewed were displaced by violence.

These children are placed with relatives in States like Georgia or North Carolina, which according to a report by the Pew Research Center, have an undocumented population of approximately 425,000 and 325,000, respectively. This is not just a South Texas issue, these children travel to all parts of our country.

Just last week, on June 23, McAllen Mayor Jim Darling and I hosted a briefing on the influx of immigrants—especially families and unaccompanied minors—with area leaders. We heard from the Border Patrol, Texas Department of Public Safety, the city and county emergency management coordinators, the county's health department administrator, and Sr. Norma Pimentel, the head of Catholic Charities.

I applaud these organizations and agencies for the work they have done and continue to do. They have gone above and beyond the call of duty. And we, in this community, appreciate them.

Unaccompanied children from Central America risk their lives to travel to the United States, facing exploitation at every turn. After surrendering to Border Patrol, they are tested for communicable diseases and, if found to be ill, are separated from the rest of the group. They are then held in overcrowded Border Patrol facilities designed to temporarily hold adults. Without a parent to comfort them, these children sleep on cement floors and wait to be taken into Health and Human Services custody, which in some cases can take more than 10 days. Sr. Norma said when she visited one of these facilities, the children swarmed around her, hugging her and crying for their parents.

I want to commend the U.S. Border Patrol for the good work that they do. They do their jobs with compassion and dedication and I respect and honor their service. At the same time, while the media has portrayed this as a Rio Grande Valley or South Texas crisis, it is in fact much broader than that. This is a National crisis—which no amount of fencing or National Guard troops can solve.

Since the 1990s there have been calls to beef up border security by adding more Border Patrol Agents. The numbers have increased by 500 percent and we still have lawmakers—including some from our own State—calling for more. But there will never be enough; because this is not an enforcement issue. The Border Patrol is apprehending from 1,200 to 1,300 of these immigrants every day. At our briefing, one of the things we learned is that the immigrants are flowing in but only trickling out.

Approximately 85 percent of the children that are processed here are placed with a relative while they await their immigration court hearings—which may take years due to the backlog of cases. These children don't stay in South Texas, they live with relatives across the country, many of whom are undocumented themselves. Thus, this crisis should be of concern to every Member of Congress and not just locally-elected officials.

One of the solutions may be to increase the number of judges hearing these cases and also provide lawyers for the children and family units.

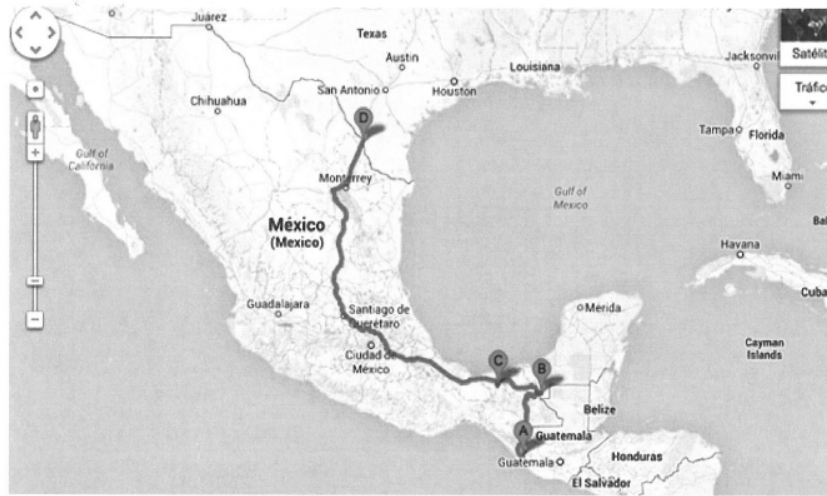
It has been alleged that a National security crisis exists along our Southern Border. I do not feel less safe now than when this crisis began. In our briefing last week, we learned that all the immigrants are put through a background check—the men and those that do not pass the background check are held separately from the rest. Everyone is also provided a medical exam. Our county's health department administrator reports that the most common ailments—at least among the family units we see in our shelter—are the common cold, allergies, and dehydration. However, anyone found to be ill with a communicable disease is kept in isolation. The unaccompanied children are not released here; they are released into the custody of Health and Human Services. Children that are traveling with a parent are held with their parents; these are the immigrants that are released here in the Valley. They are only here as long as it takes to "catch" a bus to other parts of the country, where they eventually join their relatives to await their immigration hearings.

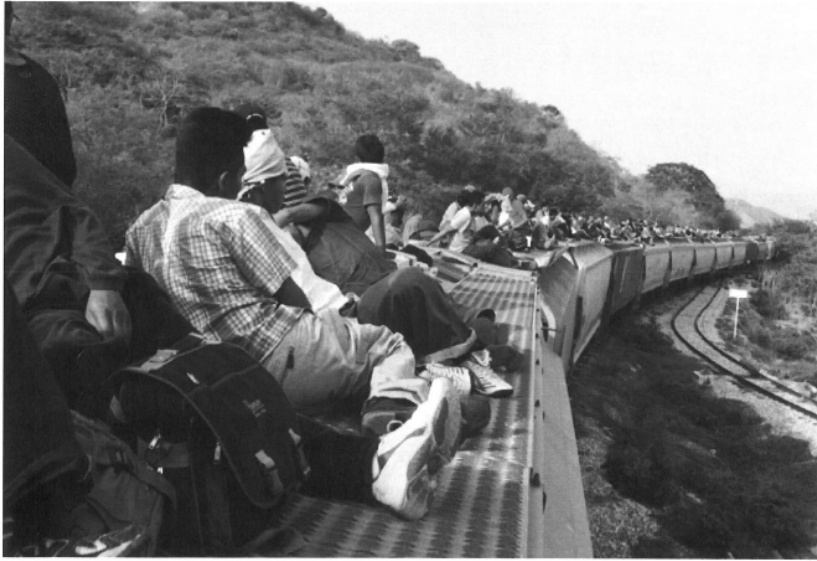
It is important to clarify a big misconception: The unaccompanied minors are not released in Hidalgo County. The only immigrants released in Hidalgo County are family units and these immigrants are only in Hidalgo County for a very short time. To date, the county has spent about \$27,175 in staff time and resources, assisting the city of McAllen with this humanitarian crisis, under a Master Agreement for Mutual Aid.

Finally, I would like to recognize the tremendous outpouring of support that these families have received from groups such as Catholic Charities, the Rio Grande Valley Food Bank, and countless volunteers who are helping to feed, clothe, and provide shelter to these recent immigrants upon being released. This surge in undocumented immigrants has shown the very best of Valley residents while waiting for comprehensive immigration reform.

In conclusion, I urge you to commit Federal funding to our local humanitarian effort. This is a Federal issue and our local governments and charitable organizations should not be forced to bear the financial burden of providing the most basic of human kindness.

Again, thank you for providing me the opportunity to appear before you today.







Chairman McCAUL. Thank you, Judge.
The Chairman recognizes Bishop Seitz.

**STATEMENT OF MOST REVEREND MARK J. SEITZ, BISHOP,
CATHOLIC DIOCESE OF EL PASO, TEXAS, U.S. CONFERENCE
OF CATHOLIC BISHOPS**

Bishop SEITZ. Good afternoon. Thank you, Chairman McCaul and Ranking Member Jackson Lee, for the opportunity to testify today on unaccompanied children entering the United States.

I have been called to serve the Church as a bishop, a bishop of a diocese on the border. My challenge is, to the best of my ability and under the guidance of the Church, to apply the Gospel teachings of Jesus to present-day situations. In visiting with these children in my diocese and in their home countries, I have witnessed the human consequences of the violence they have endured.

Mr. Chairman, as you know, Texans have big hearts. This is particularly true of Texans who live on the border. I have seen it. They understand the migration issue better than most, and my experience in El Paso is that they show compassion to migrants, particularly children who are fleeing desperate situations. It is my prayer that you and this committee will reflect that compassion and sense of justice in seeking humane solutions to this current migrant challenge.

This challenge tests the moral character of the Nation. It is a test we must not fail. Other nations are watching to see how we handle this matter. Our moral authority in the world is at stake.

Let me say up front that U.S. Catholic Bishops support the right of our Nation to control her borders and to enforce the rule of law. Migration to our country should be orderly, safe, and controlled, consistent with the common good. This is why the U.S. Bishops have supported reform of our immigration system, so that the rule of law can be restored in a humanitarian manner. We hope that the House will understand this call and take up immigration reform as soon as possible.

In our view, Mr. Chairman, the current challenge we are facing is driven primarily by factors in Central America and Mexico, most specifically the rise of violence against children, fomented by organized criminal networks, including drug cartels. They act with impunity, threatening families and coercing children and youth to join their membership or face violence and even death. There are more young children arriving, many who are young girls age 13 or younger.

While there are a variety of on-going push factors, Mr. Chairman, including daunting poverty and the desire for family reunifications, violence is the straw that stirs the drink. Otherwise, it is unlikely we would see such large numbers of unaccompanied children on our doorstep.

Mr. Chairman, I would like to summarize our own recommendations, both short- and long-term, on this issue. These are listed in detail in our written testimony.

Over the long term, Mr. Chairman, there must be a concerted effort to address the root causes of this exodus, specifically the rampant violence in that region. As a part of this effort, humane reintegration practices and prevention programs should complement anti-violence efforts.

For short-term response, we recommend the following. Unaccompanied children should be expeditiously placed in child-friendly shelters and not warehoused in CBP border facilities. Families should not be detained in restrictive settings but placed in alternative community settings as quickly as possible. Unaccompanied children should not be subject to expedited removal and should be appointed counsel so they can navigate our complex legal system. Sufficient funding should be provided to care for these children so that Federal agencies do not have to raid other budgets such as the refugee budget. Pastoral services should be provided to these children and families, including visitation by priests, ministers, and other religions.

Mr. Chairman, with your permission, I would like to relay one story of why children are fleeing from their homes. In November, I led a delegation of the U.S. Conference of Catholic Bishops to visit El Salvador, Honduras, Guatemala, and Mexico to look at this phenomenon. We met many children who told us their stories. At the Center for Detainee Children in Tapachula, Mexico, we met two boys, ages 15 and 17, who were clean-cut, respectful young men. They had recently arrived from San Pedro Sula, Honduras, a city with the highest murder rate in the world, higher than Kabul, Afghanistan, or Damascus, Syria. Organized crime members had attempted to recruit them and had told them that they and their families would be killed if they did not cooperate. The families of these young men quickly insisted they leave and flee to safety.

Now, as they waited for repatriation to Honduras, they told us they would not return to their home city to what they felt was certain death. They would try again. Any risk they faced seemed to be a better option than returning to their home. This story is typical of many children coming north. It also shows the decisions, the difficult decisions faced by parents and families who are unable to protect their children in their homes and communities. This was brought home to me by a mother our delegation met at a repatri-

ation center in El Salvador who told us “I would rather my child die on the journey seeking safety in the United States than on my front doorstep.”

Mr. Chairman, from our experience, it is clear that a deterrence strategy, including expedited removal of these children, places this vulnerable population at even greater risk and will not necessarily stem the child migrant flow. In our view, the forces that drive them are greater than the dangers they face on the journey. Rather, we must fix the root causes at play, particularly the violence, and in the mean time offer protection to those children who warrant it, consistent with domestic law. To not do so undermines our values as a Nation.

In conclusion, I ask you to consider the individual stories of these vulnerable child migrants—we have heard many today—and open your minds and hearts to their plight while seeking meaningful and long-term solutions. I ask you to respond to the needs of these children, not to turn them away or ostracize them. Americans are a compassionate people. We should not turn our back on these children. We, the Church, stand ready to work with you to pursue just solutions to this humanitarian challenge.

[The prepared statement of Bishop Seitz follows:]

PREPARED STATEMENT OF MOST REVEREND MARK SEITZ

JULY 3, 2014

I am Bishop Mark Seitz, bishop of the diocese of El Paso, Texas. I testify today on behalf of the Committee on Migration to give the Catholic Church's perspective about the humanitarian crisis of unaccompanied child migrants arriving at the U.S.-Mexico Border.

I would like to thank Chairman Michael McCaul (R-TX), and Ranking Member Bennie Thompson (D-MS), and other committee Members for the opportunity to comment on the current situation. I note that the protection of migrant children is an especially important issue for the Catholic Church, as one of Jesus' first experiences as an infant was to flee for his life from King Herod with his family to Egypt. Indeed, Jesus Himself was a child migrant fleeing violence. Jesus, Mary, and Joseph were asylum-seekers and faced the same choice as the one facing thousands of children fleeing to the United States each year.

I am here to speak with you today about this special population of vulnerable children who are very close to my heart as I have met with many of them, some as young as 5 years old, while they were being cared for in Catholic Charities facilities in my diocese in El Paso. In addition to ministering to these youth in El Paso, in November 2013, I was privileged to lead a United States Conference of Catholic Bishops delegation traveling to Southern Mexico, El Salvador, Guatemala, and Honduras to examine and understand the flight of unaccompanied migrating children and youth from the region and stand in solidarity with these children and their families. In January 2014, we issued our findings from the trip in a report entitled, “USCCB: Mission to Central America: Flight of the Unaccompanied Immigrant Children to the United States” (2014 USCCB Central America Report 2014).¹ Mr. Chairman, I ask that 2014 USCCB Central America Report be included in the hearing record.

During our mission to Central America, we visited migrant children shelters, heard tearful stories from grandmothers waiting to pick up their recently repatriated grandchildren, and listened to children as young as 6 years old speak solemnly of trafficking and exploitation that was inflicted upon them along their migration journey. The corresponding report that came out of our mission acknowledged that a new paradigm regarding unaccompanied children is upon us—namely it is clear that unaccompanied children are facing new and increased dangers and insecurity and are fleeing in response. As a result, this phenomenon requires a regional and

¹ See USCCB: Mission to Central America: Flight of the Unaccompanied Immigrant Children to the United States available at <http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf>.

holistic solution rooted in humanitarian and child welfare principles. Since our mission and report issuance, many of the humanitarian challenges facing this vulnerable population have persisted and increased. In my remarks, I will highlight and update our observations and recommendations from that report.

Mr. Chairman, my testimony today will recommend that Congress:

- Address the issue of unaccompanied child migration as a humanitarian crisis requiring cooperation from all branches of the U.S. Government and appropriate the necessary funding to respond to the crisis in a holistic and child protection-focused manner;
- Adopts policies to ensure that unaccompanied migrant children receive appropriate child welfare services, legal assistance, and access to immigration protection where appropriate;
- Require that a best interest of the child standard be applied in immigration proceedings governing unaccompanied alien children;
- Examine root causes driving this forced migration situation, such as violence from non-state actors in countries of origin and a lack of citizen security and adequate child protection mechanisms; and
- Seek and support innovative home country and transit country solutions that would enable children to remain and develop safely in their home country.

I. CATHOLIC SOCIAL TEACHING

The Catholic Church is an immigrant church, as more than one-third of Catholics in the United States are of Hispanic origin. The Catholic Church in the United States is also made up of more than 58 ethnic groups from throughout the world, including Asia, Africa, the Near East, and Latin America.

The Catholic Church has a long history of involvement in child protection and refugee and asylum protection, both in the advocacy arena and in welcoming and assimilating waves of immigrants, refugees, and asylum seekers who have helped build our Nation. Migration and Refugee Services of USCCB (MRS/USCCB) is the largest refugee resettlement agency in the United States, resettling 1 million of the 3 million refugees who have come to our country since 1975. MRS/USCCB is a National leader in caring for unaccompanied alien and refugee children as well. We work with over 100 Catholic Charities across the country to welcome unaccompanied alien children into our communities and provide for their care and general well-being.

The Catholic Legal Immigration Network, Inc. (CLINIC), a subsidiary of USCCB, supports a rapidly-growing network of church and community-based immigration programs. CLINIC's network now consists of over 212 members serving immigrants and their families, including asylum seekers and unaccompanied children, in over 300 offices.

The Catholic Church's work in assisting unaccompanied migrant children stems from the belief that every person is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:17–19). In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: "I was a stranger and you welcomed me." (Mt. 25:35). Jesus himself was an itinerant preacher without a home of his own, and as noted above, he was a child migrant fleeing to Egypt to avoid violence, persecution, and death. (Mt. 2:15).

In modern times, popes over the last 100 years have developed the Church's teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.²

Pope John Paul II stated that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: "Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all."³ In his pastoral statement, *Ecclesia in America*, John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, "even in cases of non-legal immigration."⁴

Finally, Pope Francis defended the rights of migrants early in his papacy, traveling to Lampedusa, Italy, to call for their protection. Pope Francis decried the

²Pope Pius XII, *Exsul Familia* (On the Spiritual Care of Migrants), September, 1952.

³Pope John Paul II, *Sollicitudo Rei Socialis* (On Social Concern), December 30, 1987, No. 39.

⁴Pope John Paul II, *Ecclesia in America* (The Church in America), January 22, 1999, No. 65.

“globalization of indifference” and the “throwaway culture” that lead to the disregard of those fleeing persecution or seeking a better life. In *Evangelii Gaudium*, the Holy Father speaks particularly of the importance of work with migrants and notes that it is essential for Catholics “to draw near to new forms of poverty and vulnerability [including migrants and refugees] in which we are called to recognize the suffering of Christ”⁵

In their joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope, A Pastoral Letter Concerning Migration*, January 23, 2003 (Strangers No Longer), the U.S. and Mexican Catholic bishops further define Church teaching on migration, calling for nations to work toward a “globalization of solidarity.” In *Strangers No Longer*, the bishops stressed that vulnerable immigrant populations, including unaccompanied minors and refugees, should be afforded protection. To this end, the bishops noted that unaccompanied minors, due to their heightened vulnerability, require special consideration and care.⁶ *Strangers No Longer* also addresses the importance of families and notes that humanitarian considerations for families should also be a priority when considering migration issues.⁷

Mr. Chairman, the Catholic Church’s work in assisting unaccompanied migrant children stems from the belief that every person has a unique and sacred dignity. This dignity is not bestowed by governments or by laws or based upon their wealth or where they happen to be born. It inheres within the human being. We seek to be consistent in acknowledging the implications of this, namely that from the time we come to be in our mother’s womb until the moment our life comes to an end we are deserving of respect and care. This is true of the unborn child, the person with disabilities, the immigrant, the prisoner, and the sick. The more vulnerable and weak a person is the more they are deserving of our love. This we understand to be the mark of the Christian and of a healthy society.

For these reasons, while the Catholic Church recognizes governments’ sovereign right to control and protect the border, we hold a strong and pervasive pastoral interest in the welfare of migrants, including unaccompanied children, and welcome newcomers from all lands. The current forced migration continuum of unaccompanied children traveling through Mexico and Central America and towards the U.S.-Mexico border frequently leads to severe traumatization and exploitation of children, violence, family separation, maltreatment, and even death and must be closely examined. The aspects of reform that I will address today relate to addressing the root causes propelling children to migrate alone, implementing prevention and treatment programs in the home country and in transit countries and the dignified care and treatment of this vulnerable population while in the United States.

II. THE CHURCH RESPONSE AND CARE FOR UNACCOMPANIED CHILDREN

As I mentioned, Mr. Chairman, USCCB has been a leader in the protection of and advocacy for this vulnerable population and the institutional Catholic Church in the United States has played a critical role in the care of unaccompanied children. By virtue of our organizational structure and geographical reach, the U.S. Catholic Church early on has assumed a strong leadership role in the treatment and service of unaccompanied children. Since 1994, USCCB has operated the Unaccompanied Alien Children or “Safe Passages” Family Reunification program.

The Safe Passages Family Reunification program serves undocumented children detained by Department of Homeland Security (DHS) and placed in the custody of the Office of Refugee Resettlement (ORR), which is an office within the Department of Health and Human Services (HHS). The program provides for the family reunification assistance or long-term foster care of unaccompanied children who are in the custody of HHS. From the beginning of fiscal year 2011 (October 1, 2010) through June 9, 2014, the USCCB/MRS Safe Passages program has served 3,457 youth who arrived as unaccompanied alien children—2,266 through its Family Reunification Program and 1,191 through its foster care programs.

A focus of the USCCB Safe Passages program is its home study and post-release services. During a home study, a community-based case worker assesses the safety and suitability of the proposed caregiver and placement, including the caregiver’s capacity to meet the child’s unique needs, any potential risks of the placement and the caregiver’s motivation and commitment to care for the child. Placing the child in the home of an intact family with a husband and wife is the ideal. Home studies

⁵ Pope Francis, *Evangelii Gaudium* (The Joy of the Gospel, Apostolic Exhortation), December 2013 at 105.

⁶ *Strangers No Longer, Together on the Journey of Hope*, Pastoral Statement Concerning Migration from the U.S. and Mexican Catholic Bishops, ¶82 January 2003.

⁷ *Strangers No Longer, Together on The Journey of Hope*, Pastoral Statement Concerning Migration from the U.S. and Mexican Catholic Bishops, January 2003.

result in a recommendation on whether placement with the proposed caregiver is within the child's best interest. Post-release services include risk assessment, action-planning with families around areas of need and concern, systems advocacy with community providers, and culturally-appropriate services and community referrals for social and legal services. These services are integral to the successful and safe placement of children in child-appropriate environments. I will speak more about the importance of these services in my recommendations.

In addition to the work that USCCB undertakes within the United States to serve and care for unaccompanied migrant children, the Catholic Church in the United States has worked extensively on prevention programs in the countries of origin, most notably El Salvador, through our partner, Catholic Relief Services (CRS). Through its Youth Builders project, CRS (El Salvador) and its partners provide at-risk youth with peer support, vocational and entrepreneurial training, job placement, life skills and leadership development, and community service opportunities. This project targets youth who are at risk of unemployment, of violence—as victims and as perpetrators—and of forced migration. CRS, in partnership with Caritas Internationalis, strengthens diocesan programs to work with at-risk youth through a network of community and government agencies. Through these projects, CRS has served more than 2,500 young people.⁸ I was able to visit and attend a Youth Builders session in San Salvador in November and saw first-hand the work that was being done to empower local children and give them the courage and skills to remain in their local communities, continue their education, and, in some cases, begin local businesses.

III. OVERVIEW OF THE CURRENT SITUATION OF UNACCOMPANIED CHILDREN

Since 2011, the United States has seen an unprecedented increase in the number of unaccompanied migrating children arriving at the U.S./Mexico border.⁹ These children come from all over the world but predominately from Guatemala, El Salvador, Honduras, and Mexico. Whereas in fiscal years 2004–2011, the number of unaccompanied children apprehended by the U.S. Government averaged around 6,000–8,000 year, the total jumped to over 13,000 in fiscal year 2012¹⁰ and over 24,000¹¹ in fiscal year 2013. ORR initially estimated that about 60,000 unaccompanied minors would enter the United States during fiscal year 2014. Recent Government estimates have been revised, projecting 90,000 child arrivals in fiscal year 2014 and 130,000 in fiscal year 2015.

As of June 20, Mr. Chairman U.S. Customs and Border Patrol (CBP) have apprehended 52,000 in the Southwest Border region for fiscal year 2014.¹² In response to the increased number of unaccompanied children arriving at the U.S.-Mexico border, HHS requested and received approval from the Department of Defense for the use of Lackland Air Force base in San Antonio and a Naval Base in Ventura County in California, which are, respectively, providing shelter to 1,290 and 600 children. Facilities at Fort Sill, Oklahoma, also will house 600 unaccompanied children.¹³ The Federal Government is currently looking at other housing facilities throughout the United States.

With the increasing numbers of unaccompanied children arriving at the U.S.-Mexico border, we must understand who these children are, what is propelling them to travel alone on an increasingly dangerous journey, and what can be done to best address their welfare. Mr. Chairman, I would like to share the stories of three children—one from El Salvador, Guatemala, and Honduras—to give the committee a sense of the reality of the violence they are fleeing:

⁸ CRS El Salvador, Civil Society and Governance Programs, CRS El Salvador webpage, available at <http://crs.org/countries/el-salvador>.

⁹ Unaccompanied alien children or ("UACs") are undocumented migrant children under the age of 18 who come to the United States without their parent or guardian. Homeland Security Act of 2002, Pub. L. 107–296 §462(g), 116 Stat. 2135, 2205 (2002). "A UAC '(A) has no lawful status in the U.S., (B) has not attained 18 years of age, (C) with respect to whom—(i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody."

¹⁰ ORR Year in Review, 2012, HHS website, available at <http://www.acf.hhs.gov/programs/orr/resource/orr-year-in-review-2012> (accessed December 12, 2013).

¹¹ About Unaccompanied Children Services, ORR/HHS website, <http://www.acf.hhs.gov/programs/orr/programs/ucs/about> (accessed December 10, 2013).

¹² U.S. Customs and Border Patrol, Southwest Border Unaccompanied (0–17 yr old) Apprehensions Fiscal Year 2013 and Fiscal Year 2014 through May 31 available at <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.

¹³ American Forces Press Service, Fort Sill to House 600 Unaccompanied Alien Children, U.S. Department of Defense website, Washington, DC, retrieved June 10, 2014 from <http://www.defense.gov/news/newsarticle.aspx?id=122438>.

Marta,* age 16, was born and raised in El Salvador, where she lived with her mother, father, brother, and sister until just a few months ago. Currently, Marta is in a secure juvenile facility in the United States because she entered the United States without status.

Marta reports having a very happy childhood, being involved with her church, and that she is very close to all her family members. Now she is separated from everyone she knows in the world, because she had to flee for her life.

One day back home, Marta witnessed a fellow student's death as he was shot in the back by the gangs on his way home from school. Then the threats against Marta began. Members of the La Mara Salvatrucha (MS13) gang have repeatedly tried to recruit Marta to assist them in their criminal activities and have threatened to kill her and her family. Marta has been beaten, and threatened with a machete by gang members. At one point, the police intervened by relocating Marta's family to the countryside, but the gang still located Marta. Few community members are willing to assist her family out of fear of the gang. Marta's choice was to flee the country, join the criminal gang, or possibly be killed. After being in hiding for months, Marta's mother sent her to the United States, to save her daughter's life. The family continues to be in hiding in El Salvador.

Marta cries repeatedly out of fear for her family's safety and is suffering from post-traumatic stress disorder. Marta is applying for asylum in the United States and has been approved to transfer to a foster care setting while she navigates immigration proceedings with the aid of a pro-bono attorney.

Ana,* age 15, grew up in Totonicapán, Guatemala, living with her biological parents and nine siblings. In an average day, Ana woke up at 5:00 A.M. to clean the house, and then sewed dresses until 9:00 P.M., at which time she would fix dinner for her family and go to bed. Prior to migrating to the United States, Ana had completed fifth grade before her father decided that her time would be better spent working. The impetus for her migration was the severe physical and emotional abuse she suffered at the hands of her father, who was unable to sustain steady employment and suffered from alcohol abuse. In June 2013, Ana's mother secretly arranged for her to travel to the United States in hopes of reunifying with her 30-year-old sister in Houston, Texas. She travelled mostly by car, stopping to sleep in basements and warehouses on her way through Mexico.

Once near the northern border of Mexico, she spent three nights in a trailer while the guide waited on other members of the group to arrive. Ana was given little water and nothing to eat while waiting in the trailer. On the third night in the trailer, the guide attempted to rape Ana, but another traveler pulled him away. The next day, after crossing into Texas, the guide again tried to rape her but his efforts were once again thwarted. Angry at her rejection, the guide abandoned Ana in the middle of the desert and returned to Mexico. Ana continued to walk until she found a farm and was subsequently apprehended by Border Patrol.

Maria* is a 16-year-old girl from Honduras who arrived to the United States and was placed in ORR custody in July 2013. She was referred for home study due to having been the victim of sexual abuse at the age of 13. While in Honduras, she had suffered additional abuse that began with harassment in her country of origin by La Mara Salvatrucha (MS13) Gang. Maria was pursued, brutalized, and attempts at recruiting her culminated into the brutal beating of her mother and other family members, constant threats of kidnapping, and an eventual kidnapping by MS-13 gang members.

Eventually Maria sought assistance and tried to get out of her confinement and recruitment by the gang. She finally devised a plan to escape, and under the ruse of going "shopping", the child arranged to escape to her sister's house. However, when the gang realized that the child had escaped, they surrounded the home to which she fled. Local authorities eventually secured Maria, debriefed her, and helped her relocate to protective custody in another part of the country. The child's mother insisted that she be moved to the care of a family member (aunt) in a nearby city in Honduras, but this only lasted a short time, since gang members found out this location and pursued and harassed Maria at this location as well. Since this incident, Maria has not had any contact or involvement with this gang, and eventually fled to the United States for fear she would be killed. Maria is currently being cared for by a foster care family and awaits her court date.

*Name changed to protect child's identity.

IV. FACTORS PUSHING UNACCOMPANIED CHILDREN TO THE U.S. BORDER

In our delegation to Central America in November 2013, USCCB focused upon learning more about the push factors driving this migration and possible humane solutions to the problem.

While poverty and the desire to reunify with family to attain security are on-going motivations to migrate, USCCB found that that an overriding symbiotic trend has played a decisive and forceful role in recent years: Generalized violence in the home and at the community and state level. Coupled with a corresponding breakdown of the rule of law, the violence has threatened citizen security and created a culture of fear and hopelessness that has pushed children out of their communities and into forced transit situations.

Mr. Chairman, we acknowledged in our trip report in January that each country exhibited individual challenges which have added to these push factors. Additionally, in response to the increased flow of children in recent weeks, we also acknowledge that certain new country-specific factors may have impacted the latest flow of children. One such factor is the recent crackdown of gang-activity from within prisons in Honduras and efforts to increase police presence by newly-elected leader Juan Orlando Hernández. With the increased efforts by the Honduran government to stem communications from gang leaders within prisons, there are reports of increased violence as gangs fragment and mid-level criminal operators compete for control.¹⁴

Mr. Chairman, the on-going generalized violence, leading to coercion and threats to the lives of citizens—particularly children—of these countries, is the overwhelming factor facing these children and propelling their migration. Extortion, family abuse and instability, kidnapping, threats, and coercive and forcible recruitment of children into criminal activity perpetrated by transnational criminal organizations and gangs have become part of every-day life in all of these countries. In addition to the violence and abuse at the community and national level, transnational criminal organizations, such as the Mexican-based Zeta cartel, which deals in the smuggling and trafficking of humans, drugs, and weapons, operate in these countries and along the migration journey with impunity, and have expanded their influence throughout Central America.

I note that the increase in violence in Guatemala, Honduras, and El Salvador forcing children and adults out of their homes is affecting the entire region, not just the United States. For example, since 2008 Mexico, Panama, Nicaragua, Costa Rica, and Belize—the countries surrounding the Northern Triangle countries—have documented a 712% combined increase in the number of asylum applications lodged by people from El Salvador, Honduras, and Guatemala.¹⁵

Mr. Chairman, in our January trip report we detail the increased violence against children and families in Central America. Given the difficult conditions minors must confront in their home countries, USCCB believes that a robust protection regime for children must be implemented in Central America, Mexico, and the United States. Based on our presence in sending countries, we see the following as reasons for the increased number of children arriving in the United States:

a. Violence perpetrated by organized transnational gangs, loosely-affiliated criminal imitators of gangs, and drug cartels, has permeated all aspects of life in Central America and is one of the primary factors driving the migration of children from the region.—USCCB found that in each country—particularly Honduras and El Salvador—organized gangs have established themselves as an alternative, if not primary, authority in parts of the countries, particularly in rural areas and towns and cities outside the capitals. Gangs and local criminal actors operating in Honduras, El Salvador, and Guatemala have consolidated their bases of power, expanded and upgraded their criminal enterprises and honed their recruitment and terror tactics. In many cases, the governments are unable to prevent gang violence and intimidation of the general public, especially youth. USCCB heard accounts of gang members infiltrating schools and forcing children to either join their ranks or risk violent retribution to them or their families. Even in prisons, incarcerated gang members are able to order violence against members of the community. There also were reports that law enforcement have collaborated with the gangs or at least have been lax in enforcing laws and prosecuting crimes. For example, according to Casa Alianza, an

¹⁴James Bargent, Honduras Extortion Gangs Undergoing Violent Leadership Crisis, Insight Crime: Organized Crime in the Americas, 3 June 2014.

¹⁵UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, March 2014.

NGO that works in Honduras, 93 percent of crimes perpetrated against youth in Honduras go unpunished.¹⁶

b. Localized violence has severely exacerbated the lack of economic and educational opportunities for youth and has led to stress on the family unit, family breakdown, and even domestic abuse, which leaves children unprotected and extremely vulnerable.—The escalation in violence, combined with the lack of jobs and quality education, has led to a breakdown in the family unit, as male heads of households—or sometimes both parents—have left for the United States, leaving children behind with relatives, often grandparents. Children who have parents working abroad are especially vulnerable to community violence and forced migration as they can become targets for gang extortion due to the perceived or actual remittances they may receive. Additionally, as children enter teenage years and are increasingly at risk for victimization or recruitment by gangs, it becomes increasingly difficult for their relatives, especially elderly grandparents, to protect them. To this end, the United Nations Development Program reports that 26.7% of all inmates in El Salvador they interviewed in 2013 never knew their mother or father growing up.¹⁷ Schools no longer function as social institutions that offer a respite from the violence and instead have become de facto gang recruitment grounds. As a result of being targeted because of their family situation or perceived wealth, children flee, as a strategy to escape the gangs, to help support the family, and to reunify with their parents or other loved ones, many of whom have been separated for years.

c. Abuse in the home also has created stress, fear, and motivation to leave the family home as well as the community.—The pressure on families from local violence, economic uncertainty, and family-member absence has a deleterious effect on the family unit, as instances of domestic abuse towards women and children have grown. It has been documented that more unaccompanied children are reporting instances of child abuse and neglect undertaken by non-parental caretakers.¹⁸ Children, in particular girls, are particularly exposed to domestic violence. A survey carried out by UNICEF revealed that 7 out of 10 unaccompanied children reported having been abused in their homes.¹⁹ In El Salvador it was reported that the domestic violence and sexual abuse of women and girls in the private sphere remain largely invisible and are consequently under-reported.²⁰

d. Migrating children do not find the protection they need once they arrive in Mexico, even those who are eligible for asylum.—The United Nations High Commissioner for Refugees (UNHCR) has consistently reported that an increasing number of unaccompanied children from Central America in particular are vulnerable to exploitation and cannot access protection in Mexico. To this end, UNHCR and USCCB are working with government authorities to provide training to law enforcement and protection officers on identifying and screening vulnerable children.

As an example of this lack of protection, USCCB found one children's shelter dedicated to caring for migrant children who may attempt an asylum claim in the Southern Mexico region, in Tapachula. Another shelter in Mexico City, run by the Mexican government's division of child welfare [Desarrollo Integral de la Familia (DIF)] houses children who have won asylum but cannot be released until they are 18.¹⁸ In their report, UNHCR states that 21% of children interviewed revealed that they had experienced some form of abuse by a family member, another adult responsible for their care or a domestic partner.

Children who request asylum usually remain in detention for months, with little help to navigate the legal system. Once a child wins asylum, the only place-

¹⁶ Interview with Casa Alianza (Covenant House) Honduras, Tegucigalpa, Honduras, November 20, 2013.

¹⁷ Citizen Security with a Human Face: Evidence and Proposals for Latin America, Summary Regional Human Development Report 2013–2014, UNDP, November 2013, at 8.

¹⁸ UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, at 46, March 2014. In their report, UNHCR states that 21% of children interviewed revealed that they had experienced some form of abuse by a family member, another adult responsible for their care or a domestic partner.

¹⁹ Rashida Manjoo, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum Follow-up mission to El Salvador, at p.7 ¶¶ 19–20, Human Rights Council, 17th Session, A/HRC/17/26/Add. 2, 14 February 2011, available at <http://daccess-ods.un.org/TMP/6227008.70037079.html>.

²⁰ Ibid.

¹⁸ UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, at 46, March 2014. In their report, UNHCR states that 21% of children interviewed revealed that they had experienced some form of abuse by a family member, another adult responsible for their care or a domestic partner.

ment option available is the DIF child shelter in Mexico City until age 18, as there is no foster care system in place for these children. Shelter care is not intended to be a long-term placement for children, and often leaves children vulnerable to exploitation. Because of the challenges in gaining asylum in Mexico and the absence of an effective child welfare system, children often choose deportation back home so they can try to migrate again.

e. Countries of origin lack the capacity to protect children adequately.—USCCB found that Guatemala, Honduras, and El Salvador lack the capacity to protect children in their law enforcement, child and social welfare, and educational systems. As mentioned, organized criminal networks and other criminal elements are active in many communities and schools, and the government is unable to curb their influence because of corruption, lack of political will, or lack of resources. Law enforcement personnel, low-paid and low-skilled, are compromised by these criminal elements. Child welfare services are virtually non-existent, as are foster-care and family reunification and reintegration services.

f. A significant number of migrants, particularly youth, have valid child protection claims.—While the popular perception of many in the United States is that migrants come here for economic reasons, USCCB found that a growing number are fleeing violence in their homelands. UNHCR recently found 58% of the unaccompanied children it interviewed from Central America and Mexico had some sort of international protection claim.²¹ A similar study in 2006 found only 13% of these children had a protection claim. Children who exhibit international protection concerns may be eligible to remain in the United States legally in some form of recognized legal status, such as Special Immigrant Juvenile Status, as an asylee, or with T or U visas.

V. U.S. RESPONSE TO THE HUMANITARIAN CRISIS

Mr. Chairman, we support the administration's immediate response to this crisis, which created an inter-agency response led by the Federal Emergency Management Agency (FEMA). We offer the following recommendations to ensure that children are cared for throughout the legal process:

a. For the children, the faithful adherence to the best interest of the child standard is necessary in all decision making.—The best interest of the child principle is an internationally recognized child-welfare standard used in the U.S. child welfare system. It refers to a process of determining services, care arrangements, caregivers, and placements best suited to meet a child's short-term and long-term needs and ensure safety permanency, and well-being. When applied in the United States special importance is given to family integrity, health, safety, protection of the child, and timely placement. This means that all procedures, protocols, and mechanisms developed are child-friendly, trauma-informed, and administered by child welfare professionals; that children are screened and assessed for their immediate humanitarian protection needs and their long-term international protection needs; that during the pursuit of long-term solutions for the children they are placed in the least-restrictive settings (i.e. community-based); that all children are connected with social and legal services to address their immediate needs; that long-term and durable solutions are pursued that are in the children's best interests; and that where repatriation is the best alternative available that safe repatriation and reintegration be conducted in collaboration and coordination with the children's home governments, NGOs, and other implementing partners.

Consistent with U.S. child welfare norms, children should be placed in smaller community-based programs such as specialized foster care, group or small shelter programs which allow children to reside in family settings in communities. Large facilities are contrary to child welfare principles and the TVPRA, increase the risk of institutionalization, child maltreatment and losing track of children's individual needs.

b. For the United States Government, a mutually supportive, interagency response is necessary to ensure we are leveraging the expertise and resources of the agencies that bear responsibility for addressing all aspects of the challenge.—As mentioned, Mr. Chairman, we are encouraged by the decision of the administration to involve all relevant agencies of the Government in responding to this crisis. This should include HHS/ORR and also the Administration for Children and Families' domestic child welfare division; the Department of State's (DOS) Agency for International Development, Bureau of Population, Refugees, and Mi-

²¹ UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, at 46, March 2014.

gration, and Western Hemispheric Affairs; the Executive Office for Immigration Review of DOJ; and Citizenship and Immigration Services, Immigration Customs Enforcement, and DHS/CBP. The inter-agency work on the issue should incorporate clear leadership responsibilities and effective collaboration mechanisms to ensure the optimum results both in the United States and throughout the region.

c. Children should be properly screened and placed in the least restrictive setting, preferably with family or an appropriate sponsor.—Children should be immediately screened, ideally by a child welfare specialist, as to whether: (1) They are victims of human trafficking; and (2) whether they have special needs and require specific care, such as trafficking victims, children under 12, pregnant girls, and persons with disabilities. Where possible, children should be reunified with their family members during the course of their legal proceedings. Potential sponsors who can care for the child throughout the child's immigration proceedings should be identified and adequately screened. Children should not be released, pending fingerprint and background checks of their sponsors. HHS and other agencies should monitor, report, and respond to violations against children. As required under the law, expedited removal should not be used against unaccompanied children.

d. Families should be kept together, preferably in a community setting, and provided full due process rights.—Families who are part of this migration flow, mainly women with young children, should not be detained in a restrictive setting. Alternatives to detention for these families should be explored, including with faith-based communities. Such models have been implemented in the past, with great success and at reasonable costs. The needs of mothers and children are best met in such a community setting, where their specialized needs can be met. USCCB stands ready to help in providing alternatives to detention for vulnerable families.

Moreover, subjecting these families to expedited removal procedures, as intended by the administration, could undercut their due process rights. Many would be unable to obtain an attorney and, because of their trauma and the setting of the immigration proceedings, would be unable to adequately articulate their fear of return.

e. Post-release reception assistance should be expanded to meet the rising need.—We urge increased post-release services which address family preservation, child safety, community integration, access to counsel and continued participation in immigration proceedings. The lack of sufficient funding for assistance post-release increases the likelihood of family breakdown, makes it more difficult for children to access public education and community services, and decreases the likelihood that the children will show up for their immigration proceedings.

With the release from custody happening on a shorter time frame—now less than 30 days—and with up to 90% of UACs being released from ORR custody to communities, UAC resources need to be prioritized into community-based reception services which are located where families live. ORR could leverage the infrastructure and expertise of the U.S. resettlement agencies by providing all of the children community-based, reception services. Reception services should be required for all UAC to assist the family with navigating the complex educational, social service, and legal systems.

f. Pastoral care and services should be provided to children.—Mr. Chairman, these vulnerable children should have access to pastoral services, including visitation by religious, including priests, minister, and other faith leaders. To date, requests for visitation to the Border Patrol stations and shelters for this purpose has been denied by the Border Patrol and ICE.

VI. RECOMMENDATIONS

In light of the humanitarian crisis and in the best interest of the children who are at risk, USCCB offers the following policy recommendations:

A. The United States should strengthen protections for children from Central America.—Unaccompanied minors who arrive in the United States possess legal rights which should be honored. Often children are scared and are unable to articulate their fears and do not understand what rights they have under U.S. law. Moreover, children who come into the care of the U.S. Government should be treated humanely and with appropriate child protections. We recommend the following:

1. Robust funding should be appropriated to ensure the care of these children and families fleeing violence in their home countries.—We are heartened that the U.S. Senate has added \$1.9 billion for the fiscal year 2015 budget to care for these vul-

nerable populations. Any funding should be administered in a manner that respects the religious liberty and conscience rights of organizations providing this care.

We recommend that:

- Congress appropriate \$2.28 billion for fiscal year 2015 for care of unaccompanied children, consistent with the administration's request;
- Congress should oppose the request from the Obama administration to be granted "fast track authority" to expedite the removal of children fleeing violence in Central America;
- Congress should approve a supplemental funding request which provides monies to care for the well-being of children, including housing, legal representation, child welfare services, alternatives to detention for families, and post-release services.
- Congress increase funding in the fiscal year 2015 HHS budget for unaccompanied refugee minors programs to \$100 million, as some of these children should qualify for Unaccompanied Refugee Minor (URM) benefits;
- Congress appropriate \$100 million for DHS to care for families who have crossed into the United States during the duration of their legal proceedings, including alternative to detention programs, housing, and other basic necessities.
- Congress should appropriate funding in the DOJ budget to provide legal representation for unaccompanied children who cannot secure representation through pro-bono networks.

2. *Congress should mandate and fund family reunification and legal orientation programs for all youth to help children integrate into their communities, reunify with their families, and pursue immigration relief.*—Often, increased funding to the Office of Refugee Resettlement (ORR), which is responsible for the custody and care of UAC, is directed at improving conditions in the temporary shelters in which unaccompanied children reside while waiting for release to their families. However, under normal conditions the time youth spend in shelter is less than 45 days, at which point 90 percent are released to their families.

There exists little funding for services once children are released, increasing the likelihood for family breakdown, the inability of children to enroll in school and access community resources, and the likelihood that the child will not show up to their immigration hearings. Funding should be directed at increasing the number of home studies provided to UAC prior to their release from custody to assess any potential risks of the placement, including the protective capacity of the sponsor to ensure the safe reunification of the child. Post-release services should be required for all UAC to assist the family with navigating the complex educational, social service, and legal systems. With appropriate follow-up and monitoring by child welfare professionals, it is more likely that children will not abscond and will appear at their immigration proceedings.

Finally, funding should be increased for the Department of Justice's Legal Orientation Program for Custodians (LOPC) which was developed to "inform the children's custodians of their responsibilities in ensuring the child's appearance at all immigration proceedings, as well as protecting the child from mistreatment, exploitation, and trafficking,"²² as provided under the Trafficking Victims Protection Reauthorization Act of 2008.²²

3. *The best interest of the child should be applied in legal proceedings involving UACs, including creating child-appropriate asylum procedures and unaccompanied child immigration court dockets.*—Currently, decisions about the welfare of UAC are made separately from the existing U.S. child welfare infrastructure, meaning that court decisions on the welfare of UAC are based on their eligibility for immigration relief alone rather than involving a comprehensive assessment of the best interest of the child. Whenever possible, policies and procedures should be implemented that help the child progress through the system in a way that takes into account his/her vulnerabilities and age, such as the establishment of immigration court dockets for unaccompanied children and the creation of child-appropriate asylum procedures. Concentrating all UAC cases in a child-focused immigration docket with appropriately-trained arbiters and advocates will streamline UAC cases while also ensuring a less-threatening model for children. Additionally, implementing a uniform binding standard that requires all immigration judges, Federal judges, and members of the BIA to adopt a child-sensitive approach to asylum cases of child applicants will lead to greater consistency in youth asylum jurisprudence and will also be more reflective of current international and domestic legal requirements. As mentioned, the Government should provide legal representation for unaccompanied chil-

²² <http://www.justice.gov/eoir/probono/probono.htm>.

dren, who would be better able to navigate the legal process and obtain immigration relief with an attorney guiding and representing them.

4. *Family reunification should be a central component of implementing the best interest of the child principle.*—The U.S. Government should adopt a transnational family approach in deciding on durable solutions in the best interest of UAC. This should include family tracing, assessment of all family members for potential reunification, and involvement of all family members in the decision-making process, regardless of geography.

5. *The Department of State should pilot Section 104 of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPA 08) in Mexico.*—Sec. 104 of the TVPA 08 amends Sec. 107 (a) of the TVPA 2000 to require the “Secretary of State and the Administrator of the United States Agency for international development” to “establish and carry out initiatives in foreign countries”²³ “in cooperation and coordination with relevant organizations, such as the United Nations High Commissioner for Refugees, the International Organization for Migration, and private non-governmental organizations . . . for—(i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and (ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement.”²⁴

USCCB interviewed several Central American child victims of trafficking in a DIF shelter in Tapachula, Mexico whom would benefit from a best interest determination (BID) which would result in a recommendation for a durable solution to ensure their protection and permanency. Currently, there is no systemic way to identify children who have been trafficked or are at risk of being trafficked, and without a BID, the fate of children who were trafficked or at risk of being trafficked consists of repatriation to their country of origin, often sending them back into the hands of the traffickers. If they receive refugee status in Mexico, remaining in a shelter until they turn 18 years old leaves them vulnerable to exploitation within the shelter and lacking appropriate services to address their trauma and developmental needs.

6. *The Office of Refugee Resettlement (ORR) should continue to expand placement options to include small community-based care arrangements with basic to therapeutic programming.*—The Flores Settlement Agreement establishes minimum standards of care for children in the custody of ORR and requires that UAC be placed in the least restrictive setting that meets their needs. Save the Children notes in a study: “. . . recent years have seen an increasing emphasis on the development of community-based approaches . . . to ensure that children who lose, or become separated from their own families, can have the benefits of normal family life within the community”²⁵. Placing children in the least restrictive setting that can meet their needs is the policy and practice of the child welfare system in the United States. While many of the children in ORR custody are served in basic shelters, this placement setting may not be the most appropriate for some UAC, many of whom have complex trauma needs, and would be better served in foster care placements through the URM program.

7. *Special attention should be given to Mayan youth.*—A significant number of youth migrating from Guatemala are Mayan fleeing domestic violence, organized crime, and poverty. The United States is not adequately prepared to identify and assist these youth, as many are unable to understand English or Spanish and thus unable to articulate their fears. We encourage DHS to work with non-government organizations and Mayan leaders to identify and assist Mayan youth.

B. *Mexico, with assistance from the United States and child welfare organizations, must build the capacity of the Mexican child welfare system to protect migrating youth.*—This includes training for direct care providers and Government officials to employ child-appropriate techniques when interviewing and serving migrating children as well as the development of protocols related to identification of safe placement for children, including, but not limited to, those identified to be eligible for refugee status. The Government, in partnership with child welfare experts should develop and incorporate standardized tools and methods to screen migrating children for symptoms of trauma and for human trafficking.

²³ <http://www.state.gov/documents/organization/10492.pdf>.

²⁴ <http://www.state.gov/j/tip/laws/113178.htm>.

²⁵ “Community-Based Care for Separated Children”. Save the Children. 2003. Retrieved from <http://tcommunit.com/en/node/209638/347>.

1. *The Mexican government should establish a continuum of care for unaccompanied children in their custody.*—Currently, unaccompanied children who are seeking asylum may remain in shelters for as long as 6 months to years and children who receive asylum remain in shelter until they are 18. Studies have shown that prolonged stays in restrictive settings impact a child's development and well-being. The higher the capacity of the care arrangement, the more restrictive the environment becomes. Consistent with child welfare best practice, unaccompanied children should be placed in the least-restrictive setting, ideally, in community-based care, such as foster care, which allows children freedom of movement and access to community. Furthermore, care settings should be constructed to ensure minors are not commingled with gangs or other criminals, who often infiltrate these facilities.

2. *Best interest determinations (BIDS) should be conducted for children in custody in Mexico.*—Rather than immediately deport them back to Central America, Mexico should allow UNHCR to employ a BIDS system for unaccompanied and separated children in detention to ensure they are protected from criminal elements in Mexico and Central America. This would include the possibility of reuniting them with their families in the United States, particularly if they are victims of trafficking or asylum seekers.

3. *The U.S. Government should consider child asylum/refugee cases in Mexico for resettlement to the United States through embassy referrals.*—Cases of children with valid asylum or refugee claims, especially those with family in the United States, should be considered by the U.S. Government for possible resettlement. In many cases, children are neither safe in Mexico nor the country of origin, and resettlement to the United States is their only option for a durable solution.

4. *The current reliance on consular staff to investigate, handle, and treat children who are intercepted in Mexico during their migration is inadequate and leaves children vulnerable to coyotes, traffickers, and further trauma and exploitation.*—Currently, in Tapachula, Mexico, the consular officials are responsible for identifying where apprehended unaccompanied children are from, interfacing with the other consulates, collecting information on children's families, and making determinations about their return. The training they receive is on an ad hoc basis, sometimes led by local NGOs. These government officials are performing the work of child welfare experts and should receive adequate training and staff on-site within the consulates to help consult on possible child trafficking, smuggling, and exploitation cases.

C. *With assistance from the U.S. Government, Central American governments must employ systems to protect children so they are able to remain home in safety and with opportunity.*—The long-term solution to the crisis in Central America is to address the push factors driving minors north. This would include improvements in education, employment, and enforcement, for sure, but also improvements in the social service and child protection systems. We recommend the following:

1. *The United States should invest in repatriation and re-integration in sending countries.*—USCCB found that source countries did not employ comprehensive re-integration programs for children returning from the United States and Mexico, programs which would provide follow-up services to children to help them readjust to life in their home country. A program operated by Kids in Need of Defense (KIND) in Guatemala is showing promising results and should be expanded and duplicated.

2. *The United States should invest in prevention programs in sending countries.*—Other than programs provided by Catholic Relief Services and other NGOs, source countries do not employ programs to encourage youth to remain and not take the journey north. Such a program would include skill-based training and employment services. Catholic Relief Services operates Youth Builders, a program previously mentioned in my testimony which has helped youth remain at home and live productive lives. Youth Builders offers promise for the benefits of such prevention programs: Of the 53 children served by the Youth Builders program to date, 52 have not migrated north.

3. *The United States should consider the implementation of in-country processing in sending countries.*—In order to prevent children with persecution claims from risking their lives along the migration journey, the United States should consider in-country processing in Guatemala, El Salvador, and Honduras. This would also undercut the for-profit smuggling networks that are preying on children and families. It also would ensure that children who deserve protection receive it in safety. The United States has conducted successful in-country processing systems in such nations as the former Soviet Union and Haiti.

4. *Anti-violence efforts should include stakeholders from government, civil society, private sector, churches, and international donors in order to effectively leverage limited resources and should include job and educational opportunities and training programs.*—Anti-violence prevention measures should be tackled at regional and local community levels in addition to national levels. Including key local stake-

holders and engaging regional governmental bodies and actors is a vital part of prevention efforts. Additionally, prevention efforts must include systematic training and educational programs in order to fully offer meaningful opportunities for gang members in society once they leave the gang.

5. *Over the long term, all governments of the region, including the United States, must invest resources into examining and effectively addressing root causes of migration in Central America and Mexico.*—This would address the lack of citizen security which is propelling individuals, especially children, to flee. The United States and its regional partners must avoid the simplistic approach of addressing the forced migration by forcing children back through increased border enforcement. This response is akin to sending these children back into a burning building they just fled. Instead the approach must prioritize protection for those who are displaced from their homes, especially children, the most vulnerable.

CONCLUSION

The situation of child migration from Central America is a complex one, with no easy answers. It is clear, however, that more must be done to address the root causes of this flight and to protect children and youth in the process. Clearly this problem is not going away; in fact, it is getting more urgent in terms of the dire humanitarian consequences.

Too often, and especially recently in the media, these children are being looked at with distrust and as capable adult actors, instead of as vulnerable and frightened children who have been introduced to the injustice and horror of the world at an early age. Anyone who hears the stories of these children would be moved, as they are victims fleeing violence and terror, not perpetrators. USCCB found that these children long not only for security, but also for a sense of belonging—to a family, a community, and a country. They are often unable to find this belonging in their home country and leave their homes as a last resort.

In conclusion, I ask you to consider the individual stories of these vulnerable child migrants and open your minds and hearts to their plight while seeking meaningful and long-term regional solutions. I ask you to respond to the needs of these children, not to turn them away or ostracize them, as Americans are a compassionate people.

Mr. Chairman, I again thank you for this opportunity to speak with you about these children of God and ask that you let me, my brother bishops, and the entire Catholic Church charitable network work with you to pursue just and humane solutions to the challenge of child migration.

Chairman McCaul. Thank you, Bishop. Let me just say that I appreciate your leadership, and the Catholic Church's leadership. I think there is a role to play. We can work with you in the intervention to stop the movement in the first place to make that dangerous journey, but we also applaud your humanitarian efforts here in the United States. We often like to think that we do God's work here on earth, but you truly do the Lord's work here. So we thank you for that, sir.

Because of our departure time, which is 3:30, to make our airplane, I may have to limit everybody to 3 minutes. I will try to lead by example as the Chairman, as hard as that may be.

Let me just first, Chief, people ask me how did this happen? How did we get here? Fifty thousand unaccompanied children since October. How did this happen, and what do we need to do to stop it?

Mr. OAKS. Well, I think it has been, as everybody has testified on the panel, a combination of all those factors. It is a combination of poverty, it is socioeconomic conditions, it is violence in the particular countries. It is all those factors. It is the hope of freedom and a better life in the United States. It is all those factors that draw many of these people. In the course of the last 30 years as a Border Patrol Agent, I have seen many iterations of this with different bodies and different groups and demographics of people that have come to this country for a better way of life.

The way you stop it is by Congress and the American people and the non-governmental organizations and the faith-based organiza-

tions and diplomatic efforts in concert to come up with a comprehensive understanding of what we are trying to accomplish, and then solve the problem that way.

Chairman MCCAUL. I think you mentioned also before in 2006 we faced a similar thing with Brazil, and I think we sent a very strong message of deterrence that if you come, you cannot stay, and I think we were very effective. Of course, that was before the 2008 law that we are under today. But I think you would agree with me that that actually worked.

Mr. OAKS. Yes, sir. In terms of the Brazilians that you were talking about, we had an influx of Brazilians, and over the course of the last 3 decades in the Rio Grande Valley we have seen an influx of OTMs each decade, and the problems have typically been resolved by taking a look at that body, looking at detention, looking at bonds, and looking at working with the country, especially Brazil. The Mexican government did a pretty good job of reducing the number of waivers and not letting them travel free through Mexico to the United States.

Chairman MCCAUL. I think Mexico needs to change that policy and they need to step up to the plate.

Steve McCraw, you and I have worked on this for over a decade. You are FBI SAC out of San Antonio. I was a Federal prosecutor. We have talked about securing the border it seems like forever. I think now is the time to get it done. This crisis is a call for action. I think Congress—and I am going to do everything in my power to make sure Congress fulfills that responsibility.

But can you talk a little bit about—you had a plan, a strategic plan you put forward to the Governor, the Governor sent to the President of the United States back in 2009 detailing how this can be done. In the limited time I have, can you explain that plan?

Mr. MCCRAW. Bottom line is what I already talked about in terms of resources. It is dedicating a sufficient number of resources between the ports of entry around the clock, saturate the high-threat areas, sustain it until they can't come, because they don't come here for anything other than profit, a lot of money on the human smuggling side and on the drug trafficking side. They are not going to sustain the risks, and every time we have surged, we have pushed back along those lines.

The plan involved that we produced to the Governor 1,000 Texas National Guard troops at that point in time because of LPOPs. Keep in mind, we use Texas military forces every day on the border, the UH-72's, the UH-60's. We use special ops, our Ranger recon teams, because they bring a set of skills that can complement and support us. Even in terms of the LPOPs, important listening posts, observation posts, very important. You are dealing with a kind of counter-surveillance and surveillance that the cartels are conducting on our operations along those lines. So that is value-added. That would give us 1,000 at that point in time. Of course, the supplement would have been diverting resources into the Rio Grande Valley, and also at that point the Laredo sector as well, based upon what we were seeing from our Border Patrol partners.

Chairman MCCAUL. In closing, the way I see it is that at the end of the day, it protects the children we saw today, it protects the three little girls I saw who almost drowned in the river, and that

is just one example of so many, protects them from sexual abuse and trafficking. I think this committee and the working group need to work toward that effort.

With that, the Chairman recognizes the Ranking Member.

Ms. JACKSON LEE. I think the Chairman is correct that we need to work together.

Let me thank all of the witnesses very much for your very insightful and important testimony.

I have worked over the years on human trafficking and human smuggling, and none of that will be diminished in light of the title of this hearing, dealing with unaccompanied children, and that is the issue. I want to make it very clear that no one is undermining the importance of National security. We are in intelligence meetings all the time. We recognize the communities at the border. You need to have the assurance that we have not forgotten that we do have terrorists who want to intrude on our border.

But what we have today is unaccompanied children.

I want to ask Chief Oaks, you interact with our distinguished Mr. McCraw, the director of the Department of Public Safety, FBI, DEA. You interact with ATF and others as Federal law enforcement. Is there any diminishing in your mind in the fight against drug cartels who are smuggling, who are trafficking, who are terrorists, who are creating violence on the other side of the border and that it may seep over here? Is there any diminishing on the part of the Border Patrol in those efforts?

Mr. OAKS. I can tell you that any time there is a change, a massive, noticeable change in operations, you will have a little bit of a degradation in operations. But those are quickly made up, as you alluded to, with our partnerships with Department of Public Safety who, in my estimation, is one of the finest law enforcement agencies I have worked with.

Ms. JACKSON LEE. So what you are saying is that with that recognition that there has been some altering, you get right to it to make sure that you rise to the occasion to make sure that this area and the Nation's border is safe.

Mr. OAKS. Absolutely. You have to adjust your strategies and you have to recycle your forces and look at your deployment plans and bring in additional assets.

Ms. JACKSON LEE. You have been doing that.

Mr. OAKS. Yes, ma'am, I have.

Ms. JACKSON LEE. With the question about lesser numbers in this region versus Southern California or El Paso, elsewhere, do you not make assessments of where you put Border Patrol Agents, and do you continue to do that to make sure the border is as unporous as it can possibly be?

Mr. OAKS. Absolutely. We do quarterly assessments and threat assessments.

Ms. JACKSON LEE. You are on-going in doing that now?

Mr. OAKS. Absolutely.

Ms. JACKSON LEE. Let me move to Judge Garcia and Bishop, if I may ask you questions.

I might ask unanimous consent to put in the record a letter from the ACLU dated July 3, 2014.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION OF TEXAS

JULY 3, 2014

Honorable committee Members: The American Civil Liberties Union of Texas submits this testimony on behalf of our thousands of members and supporters across the State. From our first-hand observations of two Customs and Border Protection short-term detention facilities and our extensive work in Texas border communities, we write to express our concerns with the Government's law enforcement approach to what is actually a humanitarian crisis. Because the children fleeing to the United States to escape appalling conditions and unimaginable violence in their home countries have not increased crime in the Rio Grande Valley, adding law enforcement resources at the border, as some are proposing, fails to address the real problems our border communities face. For the reasons detailed below, we urge you instead to prioritize humanitarian solutions that ensure we treat these vulnerable children humanely and compassionately.

The ACLU of Texas is a nonprofit organization dedicated to defending the Constitutional rights and liberties of all people in Texas. Founded in 1938 as the Texas affiliate of the American Civil Liberties Union, the ACLU of Texas addresses issues of Constitutional concern in the courtroom, at the legislature, and in the public square. Given Texas's long border with Mexico and the large number of people that call our border region home, border-related civil rights and liberties issues are key to our mission.

Of particular concern to us is the impact the increasing militarization of our border has on the people of the border communities we serve. In recent years, the number of Border Patrol Agents assigned to the Southwest Border, including the Rio Grande Valley (RGV) Sector, has increased from 9,891 in 2005 to 18,611 agents in 2013.¹ As our border has become increasingly militarized, our efforts to document the impact on the people who live and work in the border region and to achieve greater transparency and accountability for Customs and Border Protection (CBP) has become a top priority. Staff in our Brownsville office work closely with local community organizations in the RGV to oppose border militarization and to advocate for policies that enhance and protect our way of life on the border. We are part of the Rio Grande Valley Equal Voice Network, a coalition of ten organizations dedicated to creating a movement of social change through civic engagement and promoting better jobs with livable wages, affordable housing, access to health care, and immigration reform. We also participate in the Bi-National Documentation Project, which documents abuse by law enforcement officials in our border communities. When necessary, we litigate on behalf of border residents whose Constitutional rights have been violated.

Last week, on June 25, 2014, two of our staff members, along with members of other non-profit organizations visited the Weslaco Centralized Processing Center and the Fort Brown Station in the RGV. These facilities hold and process many of the children who have been fleeing violence, crime, gang threats, and poverty to the perceived safety of the United States.² We were briefed by Customs and Border Protections officials, including Sector Chief Oaks, and allowed to view the cells where children and other immigrants are held from the operation centers of these two facilities.

Based on these visits and our experience working in border communities, we believe that the immediate priority of this committee must be to address the appalling conditions in which these children are imprisoned, to ensure that the children receive fair consideration and due process if they have legitimate claims for asylum, and to resist the calls to put yet more Federal agents into a region already strained to the breaking point by over-militarization.

THE INFLUX OF CHILDREN IS NOT AN ENFORCEMENT CRISIS

The United Nations High Commissioner for Refugees and other organizations have documented that children embark on the perilous journey to the United States from El Salvador, Honduras, Guatemala, and Mexico because conditions in their

¹*Border Patrol Agent Staffing by Fiscal Year*, United States Border Patrol, <http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%20Staffing%20Statistics%201992-2013.pdf>.

²United Nations High Commissioner for Refugees, *Children On the Run 6* (Mar. 12, 2014); Elizabeth Kennedy, *No Childhood Here: Why Central American Children Are Fleeing Their Homes 1* (American Immigration Council, July 2014).

home counties are bleak and dangerous.³ The Central American countries from which children are escaping have some of the highest homicide rates in the world, and children face gang violence and rampant crime.⁴ As a result of these conditions, asylum applications to neighboring countries other than the United States have increased 712%.⁵ At the same time, the number of Border Patrol Agents assigned to the Southwest Border is at an all-time high, while the number of apprehensions per agent has plummeted due in large part to an overall decrease in the number of undocumented immigrants crossing our border.⁶ On account of this, the Cato Institute concluded that it is “less likely that Border Patrol Agents on the border are actually overwhelmed.”⁷ Contrary to popular rhetoric, our border is secure—there are plenty of agents on the ground to interdict people crossing illegally and to enforce immigration laws.

Nor has the increased number of children crossing the border made our communities less safe. Elected leaders and law enforcement officials in the RGV have observed that cities along the border are safe and that there has been no increase in crime. For example, during a hearing before the Texas House Committee on Homeland Security and Public Safety earlier this week, McAllen chief of police Victor Rodriguez testified that his city has not seen an increase in crime or been adversely impacted in terms of criminal activity.⁸ Jim Darling, the mayor of McAllen, added that it is safer in McAllen than in Austin, and Representative Joseph Pickett noted that El Paso is the safest city in the United States.⁹ During the hearing, Dr. David Lakey, Commissioner of the Texas Department of State Health Services, also expressed his belief that the RGV is safe, noting that his son will soon be traveling to the RGV on a mission trip.¹⁰ In a recent op ed, Mayor Darling underscored that while in the midst of this humanitarian crisis, “McAllen and the Rio Grande Valley are not facing an ‘emergency.’ Our city of 140,000 is secure and going about its daily business of serving residents. Life in McAllen is business as usual.”¹¹ He noted that “[t]here has been no uptick in criminal activity in our city, which is one of the safest of its size in Texas.”¹²

Given these realities, more enforcement is not an appropriate response to the influx of children. Increasing yet again the number of law enforcement personnel patrolling border communities will only increase the potential for interactions that violate border residents’ Constitutional rights and degrade the quality of life for everyone at the border. As importantly, a law enforcement approach also diverts needed resources from a humanitarian response.

CBP SHORT-TERM HOLDING CENTERS SHOULD BETTER ADDRESS THE NEEDS OF CHILDREN

While the overcrowding of the CBP facilities we observed is due, according to Border Patrol, to other agencies’ inability to accommodate the increase in children,¹³ CBP must do more to ensure that children in its custody are held in appropriate conditions. Both the Trafficking Victims Protections Reauthorization Act (TVPRA)¹⁴ and the *Flores v. Reno* settlement agreement¹⁵ and consent decree¹⁶ create specific

³ Children On the Run, Supra N.2, At 6; No Childhood Here, Supra N.2, At 1.

⁴ Children On the Run, Supra N.2, At 6; No Childhood Here, Supra N.2, At 1; See Also United Nations Office on Drugs and Crime, Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment 9 (Sept. 2012).

⁵ Brian Resnick, *Why 90,000 Children Flooding Our Borders is not an Immigration Story*, Nat’l J., June 16, 2014, at 3, available at <http://www.nationaljournal.com/domesticpolicy/why-90-000-children-flooding-our-border-is-not-an-immigration-story-20140616>.

⁶ Alex Nowrasteh, *Unaccompanied Minors Crossing The Border—the Facts* (Cato Institute, June 17, 2014), available at <http://www.cato.org/blog/unaccompanied-minors-crossing-border-facts>.

⁷ Id.

⁸ Hearing Before the Tex. H. Committee on Homeland Security & Public Safety, 2014 Leg., 84th Sess. Interim (July 1, 2014), available at http://tlchouse.granicus.com/MediaPlayer.php?view_id=28&clip_id=8468.

⁹ Id.

¹⁰ Id.

¹¹ Jim Darling, *What’s Happening on the Border*, STAR-TELEGRAM (July 2, 2014), available at <http://www.star-telegram.com/2014/07/01/5943296/whats-happening-on-the-border.html>.

¹² Id.

¹³ Observation notes from Weslaco Centralized Processing Center and the Fort Brown Station, June 25, 2014 (on file with the ACLU of Texas).

¹⁴ 8 U.S.C. § 1232 (2013).

¹⁵ Stipulated Settlement Agreement, *Flores v. Meese*, No. 85–4544–RJK (C.D. Cal. 1996) [hereinafter Settlement].

¹⁶ Memorandum of Understanding Re Compromise of Class Action: Conditions of Detention, *Flores v. Meese*, No. 85–4544–RJK (C.D. Cal. 1996) [hereinafter MOU].

legal requirements for the treatment of unaccompanied immigrant children. These requirements establish both legal process to help children with possible immigration claims and also baseline standards for their treatment while their applications are pending.

Under the TVPRA, children must be “placed in the least restrictive setting” that is in their best interest “absent a determination that the child poses a danger to self or others or has been charged with having committed a criminal offense.”¹⁷ It also requires that children be transferred to the custody of the Department of Health and Human Services within 72 hours except in exceptional circumstances.¹⁸ *Flores v. Reno* established minimum requirements for Government treatment of unaccompanied alien children¹⁹ intended to ensure that CBP adheres to “generally accepted child welfare standards, practices, principles and procedures.”²⁰ Of particular relevance to the instant crisis, the *Flores* settlement requires that the government “treat . . . all minors in its custody with dignity, respect, and special concern for their particular vulnerability as minors.”²¹ Thus, detention facilities must provide access to basic needs such as “toilets and sinks, drinking water and food as appropriate, medical assistance[,] . . . adequate temperature control and ventilation, adequate supervision to protect minors from others, [] contact with family members who were arrested with the minor,”²² and recreation activities appropriate for children.²³

Border Patrol acknowledges that these centers are not meant to shelter children, and it is struggling to address their needs until it can transfer them to the care of the Office of Refugee Resettlement (ORR).²⁴ The conditions we observed during our tour raised serious concerns about whether Border Patrol is complying with basic legal requirements that children not be held in prison-like conditions.

The stark reality is that Border Patrol packs children as young as 5 or 6 into over-crowded cells that are bare except for a single open toilet and a large cooler of water.²⁵ The agents who showed us the facilities acknowledged that the children are only allowed outside for approximately 20 minutes a day for recreation and exercise.²⁶ Thus for more than 23 hours every day, the children are locked in cells in conditions that mirror the harshest deprivations imposed on the most dangerous criminals: they take their meals in the cell, sleep on the concrete floor of the cell, and use the open communal toilet in the cell.²⁷ They have nothing to do to pass the time except to stare out of cell windows and at each other hour after hour. To make matters worse, children must endure these conditions for extended periods: Border Patrol stated during our tour that as few as 30% of the children in its custody are transferred within the 72 hours required by law because of the lack of space at ORR shelters.²⁸

But conditions are not the only problem we observed. Despite strong evidence that the children in CBP custody may have legitimate claims to asylum or other factors that would entitle them to legal relief, we were unable to document compliance with TVPRA’s requirement that every child be screened to determine whether he or she is a victim of trafficking or a candidate for asylum. At best, CBP officers make a cursory inquiry that is inadequate to determine how the law should be applied; CBP officials told us that screening takes place “elsewhere,”²⁹ but we have been unable to confirm that assertion.

As Department of Homeland Security Secretary Jeh Johnson acknowledged, the children in CBP’s custody have already been victimized:

“It is dangerous to send a child on the long journey from Central America to the United States. The criminal smuggling networks that you pay to deliver your child to the United States have no regard for his or her safety and well-being—to them, your child is a commodity to be exchanged for a payment. In the hands of smugglers, many children are traumatized and psychologically abused by their journey,

¹⁷ 8 U.S.C. § 1232(c)(2).

¹⁸ 8 U.S.C. § 1232(b)(3).

¹⁹ Settlement, *supra* n.17, at 7.

²⁰ *Id.* at 3.

²¹ *Id.* at 7.

²² *Id.* at 7–8.

²³ MOU, *supra* n.16, at 9.

²⁴ Observation notes, *supra* n.13.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

or worse, beaten, starved, sexually assaulted or sold into the sex trade; they are exposed to psychological abuse at the hands of criminals.”³⁰

We acknowledge that some are calling for the immediate repatriation of these children, without due process of law, to alleviate the crowded conditions in detention facilities. But to return the children to their home countries without adequately assessing their needs would be unconscionable. These children deserve the full protections of U.S. and international law, including asylum if they seek it and counsel if they are placed in deportation proceedings.

CONCLUSION

Americans may not agree about what is driving this influx of unaccompanied children to the U.S. border, but we can all agree that America cannot imprison children in such appalling conditions and deprive them of the protections of law. As Americans, we have a legal and moral duty to treat the children apprehended at our border humanely and to provide them with due process. We therefore urge you to provide CBP and other Government agencies in whose custody unaccompanied children are placed with additional resources needed to meet the basic human needs of children and to give them the process required by law.

Ms. JACKSON LEE. And a letter from the President of the United States dated June 30, 2014 asking for the \$2 billion, including resources for all of you.

Chairman McCAUL. Without objection.

[The information follows:]

LETTER SUBMITTED BY HON. SHEILA JACKSON LEE

LETTER FROM THE PRESIDENT—EFFORTS TO ADDRESS THE HUMANITARIAN SITUATION IN THE RIO GRANDE VALLEY AREAS OF OUR NATION’S SOUTHWEST BORDER

THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY, JUNE 30, 2014.

For Immediate Release

DEAR MR. SPEAKER: [SENATOR REID:] [SENATOR MCCONNELL:] [REPRESENTATIVE PELOSI:] I am writing to update you on my Administration’s efforts to address the urgent humanitarian situation in the Rio Grande Valley areas of our Nation’s Southwest border, and to request that the Congress support the new tools and resources we need to implement a unified, comprehensive Federal Government response.

While overall apprehensions across our entire border have only slightly increased during this time period and remain at near historic lows, we have seen a significant rise in apprehensions and processing of children and individuals from Central America who are crossing into the United States in the Rio Grande Valley areas of the Southwest Border. The individuals who embark upon this perilous journey are subject to violent crime, abuse, and extortion as they rely on dangerous human smuggling networks to transport them through Central America and Mexico.

My Administration continues to address this urgent humanitarian situation with an aggressive, unified, and coordinated Federal response on both sides of the border. Earlier this month, I directed the Department of Homeland Security (DHS) and the Federal Emergency Management Agency to coordinate this Government-wide response. This includes fulfilling our legal and moral obligation to make sure we appropriately care for unaccompanied children who are apprehended, while taking aggressive steps to surge resources to our Southwest border to deter both adults and children from this dangerous journey, increase capacity for enforcement and removal proceedings, and quickly return unlawful migrants to their home countries.

Specifically, the Department of Justice (DOJ) and DHS are deploying additional enforcement resources—including immigration judges, Immigration and Customs Enforcement attorneys, and asylum officers—to focus on individuals and adults traveling with children from Central America and entering without authorization across the Southwest border. Part of this surge will include detention of adults traveling with children, as well as expanded use of the Alternatives to Detention program, to avoid a more significant humanitarian situation. The DHS is working to secure additional space that satisfies applicable legal and humanitarian standards

³⁰ An Open Letter to the Parents of Children Crossing Our Southwest Border, Jeh C. Johnson, Secretary of the U.S. Department of Homeland Security (June 23, 2014) available at <http://www.dhs.gov/news/2014/06/23/open-letter-parents-children-crossing-our-southwest-border>.

for detention of adults with children. This surge of resources will mean that cases are processed fairly and as quickly as possible, ensuring the protection of asylum seekers and refugees while enabling the prompt removal of individuals who do not qualify for asylum or other forms of relief from removal. Finally, to attack the criminal organizations and smuggling rings that are exploiting these individuals, we are surging law enforcement task forces in cooperation with our international partners, with a focus on stepped-up interdiction and prosecution.

To address the root causes of migration and stem the flow of adults and unaccompanied children into the United States, we are also working closely with our Mexican and Central American partners. Two weeks ago, at my direction, the Vice President convened leaders from El Salvador, Guatemala, and Honduras, as well as Mexico, to discuss our shared responsibility for promoting security, and agree on concrete ways that we can work together to stem the flow of migrants taking the dangerous trip to the United States. These countries committed to working together and with the United States to address the immediate humanitarian crisis as well as the long-term challenges. On Tuesday, Secretary Kerry will meet with the leaders of El Salvador, Guatemala, and Honduras to follow up on the items agreed to in the Vice President's trip, and next week, Secretary Johnson will travel to Guatemala. I also spoke with Mexican President Enrique Peña Nieto about our shared responsibility to promote security in both our countries and the region. As part of this effort, the United States committed foreign assistance resources to improve capacity of these countries to receive and reintegrate returned individuals and address the underlying security and economic issues that cause migration. This funding will enable El Salvador, Guatemala, and Honduras to improve their existing repatriation processes and increase the capacity of these governments and nongovernmental organizations to provide expanded services to returned migrants. Additional resources will support community policing and law enforcement efforts to combat gang violence and strengthen citizen security in some of the most violent communities in these countries.

Finally, we are working with our Central American partners, nongovernmental organizations, and other influential voices to send a clear message to potential migrants so that they understand the significant dangers of this journey and what they will experience in the United States. These public information campaigns make clear that recently arriving individuals and children will be placed into removal proceedings, and are not eligible for the Deferred Action for Childhood Arrivals process and earned citizenship provisions that are part of comprehensive immigration reform currently under consideration in the Congress. The Vice President made this clear in his public and private events on June 20, I addressed this last week in an interview, and we will continue to use multiple channels to counteract the misinformation that is being spread by smugglers.

While we are working across all of these channels, to execute a fully effective Government-wide strategy as the influx of migrants continues, we are eager to work with the Congress to ensure that we have the legal authorities to maximize the impact of our efforts. Initially, we believe this may include:

- providing the DHS Secretary additional authority to exercise discretion in processing the return and removal of unaccompanied minor children from non-contiguous countries like Guatemala, Honduras, and El Salvador; and
 - increasing penalties for those who smuggle vulnerable migrants, like children.
- In addition, we will request congressional action on emergency supplemental appropriations legislation to support:
- an aggressive deterrence strategy focused on the removal and repatriation of recent border crossers;
 - a sustained border security surge through enhanced domestic enforcement, including interdiction and prosecution of criminal networks;
 - a significant increase in immigration judges, reassigning them to adjudicate cases of recent border crossers, and establishing corresponding facilities to expedite the processing of cases involving those who crossed the border in recent weeks;
 - a stepped-up effort to work with our Central American partners to repatriate and reintegrate migrants returned to their countries, address the root causes of migration, and communicate the realities of these dangerous journeys; and
 - the resources necessary to appropriately detain, process, and care for children and adults.

My Administration will be submitting a formal detailed request when the Congress returns from recess, and I look forward to working with you to address this urgent situation as expeditiously as possible.

Sincerely,

BARACK OBAMA.

Ms. JACKSON LEE. But, Judge Garcia, I heard you say something about policy. Thank you for saying that these children are no threat, but we don't want them to be in danger, to be trafficked. But you did say a policy question. Do you think we should pass comprehensive immigration reform along with strong border security?

Judge GARCIA. Yes.

Ms. JACKSON LEE. Would that help this region, and maybe the Nation as well?

Judge GARCIA. It certainly would help. You need to look at every one of these aspects, whether you try to stop drugs from coming in or terrorists coming in, or the undocumented Central American children.

Ms. JACKSON LEE. I would conclude with the Bishop. Would you please just emphasize in your interactions in that delegation to Central America the extent—we see poverty in the United States—but the extent of devastation that would drive children, or parents most of all, to send a 2-year-old in a diaper to wind up in a detention center here in this region? Would you just speak to that?

Bishop SEITZ. To our experience of poverty, this is not on the same level. It is better perhaps to call it misery. I saw many malnourished people there. I have gone with medical missions. However, let me say I believe that the violence today is really even a greater cause for the departures than the misery that they experience. It is the pervasive violence, which again is difficult for us to get our heads around. It is like living in a war zone. They are fleeing for their lives, and there is my concern about buttoning up the border. Then where do they go?

Chairman MCCAUL. The gentle lady's time has expired.

Ms. JACKSON LEE. I thank you, Bishop, for your work.

Chairman MCCAUL. Dr. Broun is recognized.

Mr. BROUN. Thank you, Mr. Chairman.

I want to follow up, Director Oaks, on what Ms. Jackson Lee was asking, because it sounded as if she was heading towards that the drug cartels and all the crime, et cetera, that you are trying to combat is being controlled at levels prior to this influx of these unaccompanied alien children. But is that factual? Because it seems to me it is the drug cartels that are utilizing these kids just as a commodity, as we have already heard in testimony, that they have a purpose beyond just the money that they receive.

When you are overwhelmed by all these kids, isn't it true that you continue to—I know you are continuing to try to combat the criminal element, and Colonel McCraw is doing the same thing. But doesn't this also tax your ability to combat the criminal element?

Mr. OAKS. Well, certainly the influx of the family units and the unaccompanied children has taxed my forces. But like I mentioned before, with the additional support that we get from State and local, and the additional resources that we have brought in, we have been able to rebalance and adjust and have been able to take that administrative operation out and still focus on the border security mission, which is our primary mission, and we have used resources and redirected it to accommodate what we are trying to accomplish on the border. As far as I am concerned, I think the

agents are doing a pretty good job out there of taking care of what they need without diminishing the operation.

Mr. BROWN. Well, the cartels are using these just as a money-making factor for them, plus they are continuing their criminal activities, not only in Mexico but in the United States. I know that you are trying to interdict all those drugs, and Colonel McCraw has been on the front lines. But the Governor just said that we need to give you some more help, and I believe that if we don't stop this flood of these children, it breaks everybody's heart, and the families not only in their original countries but also family members that may be in this country that are funding their coming here, et cetera, by stopping the magnet of the United States and going back to law and order is going to be the best way to keep these kids safe, to keep America safe, and be able to do what you all need to do to stop the criminal element. Would you agree with that, Colonel?

Mr. MCCRAW. We weren't happy with the level of security prior to this influx. The consequences of this is not—because this is just recent as it relates to this, and it is tragic, there is no doubt. We are certainly not—we are certainly concerned about those children coming up here, and certainly their trek across Mexico. But we weren't happy with the levels of security, how much drugs and other crime and transnational criminals, including criminal aliens. Since 2008, we can document over 200,000 criminal aliens booked into Texas jails for non-immigration offenses, including over 3,000 murders, 7,000 sexual assaults. So we weren't happy with the level of security prior to this particular instance to begin with.

But there is no question that if properly resourced, the Border Patrol can get this thing done. Until that time, the Sheriff and myself and Texas Border Patrol are going to do what we can to help them to support it because it is too important to Texas.

Mr. BROWN. We must secure the border, Mr. Chairman. My time has expired. I yield back.

Chairman MCCAUL. Thank you.

The gentleman from Texas, Mr. Vela.

Mr. VELA. Thank you, Mr. Chairman.

I just want to say that with your leadership and that of Ranking Member Thompson, it has been over a year since this committee passed a bipartisan, unanimous border security bill that the White House signed back then. So I am hopeful that when we get back, that House leadership will bring that to the Floor so that we can vote on that.

A comment also with respect to border security and pathway to citizenship. I assume that when we talk about border security, that we are talking about a process to ensure that people don't come over here illegally. When we talk about a pathway to citizenship, in my view we are talking about the 11 million people who are already here. I think those two things should be addressed separately. In other words, I do not think that our work on immigration reform should be conditioned upon border security.

I do see a common thread amongst all this debate, and that is that this is not just a border problem. With respect to the cartels, whether they be in Central America, Mexico, here in our region, or in the 1,000 cities across this Nation that have cartel presence, that is a National issue, not just a border issue.

The same with respect to the undocumented workers in every State in this union. The statistics show in the State of Georgia, for example, 500,000 people in the labor force. These are issues that are not just privy to us here on the border, but they are issues important to everyone else.

Some quick questions, Chief. You mentioned the other day when we met with you that in the Rio Grande Valley Sector, you currently have 3,200 agents and that it would help for you to get 600 more. Can you elaborate on that?

Mr. OAKS. Yes, sir. So, my deputy, Raul Ortiz, and I, when we got here, we did a complete operational assessment of our area of operations to determine what resources we needed in the future to sustain current levels and trending levels of enforcement activity for the next 3 to 5 years, and our determination was looking at additional technologies, some infrastructure, building a new station in Roma, Texas, and adding between 400 and 600 new agents, preferably agents that are already seasoned. With the help of Congress funding their transfers, they could be immediately readdressed to the Rio Grande Valley so we could have a pretty good handle on this situation and then control border security, because border security is the No. 1 aspect of what my job is, irrespective of all the other things that we have been talking about.

Mr. VELA. I have a lot of other questions which I will submit to the Secretary.

I noticed on your fact sheet that you had 3,200 agents but about 120 support personnel, or something like that, maybe a little more. My view of the situation on the ground at both McAllen and Brownsville detention centers was that, from the standpoint of processing these individuals while they are in your custody, you could at least temporarily use a whole lot more support from the processing standpoint.

Mr. OAKS. Temporarily and permanently. The good generals behind me could attest to the fact that in-theater during wartime, it takes oftentimes two, three, four support personnel to support each war fighter, and I think a similar construct for the Border Patrol is required for the future in terms of our professional staff and our mission support staff who behind the scenes do the majority of the work. So that civilian support staff, hiring more of those to support my agents would relieve my agents from some of the duties they are doing and redirect them down to the border.

Chairman MCCAUL. The gentleman's time has expired.

Mr. Barletta.

Mr. BARLETTA. Thank you, Mr. Chairman.

When we talk about pathway to citizenship, I believe it is not only about the 11 million that are here. I am worried about the 11 million more that will come because of that.

We spent a lot of time today talking about solutions to the problem. There is currently an American military man sitting in a Mexican prison for illegally crossing the border, and I can't help but looking at this picture, it certainly doesn't seem like these people were very hard to find coming through Mexico illegally.

My questions, Mr. Oaks, when CBP agents interviewed these minors, do they ask whether the Mexican government has done anything to facilitate their entry into the United States? Do we know

to what extent Mexican officials are assisting in the migration of unlawful immigrants across their borders and into ours, or if they are doing anything at all to stop it? Why is this only America's problem?

Mr. OAKS. Absolutely. In terms of our intelligence collection efforts, we have an intelligence collection plan that we use in terms of family units to specifically target illicit information, how they got here, where they are going.

Mr. BARLETTA. Do we believe the Mexican government is facilitating this at all? This doesn't seem like it would be hard to stop. If one man can't cross the border from America, how could 50,000 children cross the Mexican land undetected?

Mr. OAKS. I would concur with that. There is some complicity that you will find in Mexico and Central America.

Mr. BARLETTA. But this all becomes America's problem. Why aren't we going to the root of the problem? How are these kids getting here, and where is their responsibility that this now becomes America's problem?

Mr. OAKS. Right, I understand that. In terms of our diplomatic efforts, I think we are doing a pretty good job of interacting with Mexico and Central America in terms of describing the requirements about sovereignty issues on the border with Mexico and Guatemala, which is less than 300 miles with infrastructure and proper hardening of the ports and a more coherent immigration plan than Mexico would have. You would alleviate the stress of some of that.

Mr. BARLETTA. It seems like this wouldn't be a problem if they didn't get from Guatemala to Mexico.

Mr. OAKS. The same with Honduras to Guatemala as well.

Mr. BARLETTA. So we are worried about how many miles of American border, but yet there is a much smaller border down where this problem is being created, and these poor children's lives are being threatened. I think we need to also point the finger where the finger needs to be pointed.

Thank you. Yield back.

Chairman McCAUL. The gentleman from California, Mr. Swalwell.

Mr. SWALWELL. Thank you, Chairman.

I also want to thank my colleague from Texas, Mr. Vela. He called me about 5 days ago and said, "Eric, we've got this crisis down on the border and we're having this hearing, and would you come down?" I didn't hesitate because I know that he would come down to California if I asked, and I am happy to do what I can to help.

It is a horrible situation, and it is one that breaks your heart when you see the children. It is clearly breaking the wallets of the Federal Government and the people of Texas. But the one silver lining that I found in this is just watching the way, Mr. Oaks, that your agents treat these children and families with such dignity and humanity. They really do everything they can to accommodate these individuals and make them feel like they are at home under very harsh conditions. So I want to thank you for doing that because it is not easy.

Just a couple of questions under limited time.

Would you agree, Mr. Oaks, with Governor Perry or disagree that the border is not secure? Because what I heard this morning is that these children are running into the arms of the border agents, not away from them.

Mr. OAKS. So at least they are not getting away and we can address their issues, because children are about the last innocent population on this planet, and what they have to endure to get here is something that is almost indescribable. I think the good bishop described it better than I have ever heard it, and it is our obligation in terms of border security to treat everybody equally irrespective of if they are children or family units. But everybody who comes into the custody of all law enforcement, no matter what crimes they have committed, as civil servants and servants of the public it is our obligation to serve those people and do whatever we can to make them as comfortable as we can until they are addressed in the appropriate manner, whether it is criminal, administrative, or some sort of deportation.

Mr. SWALWELL. With respect to the 72-hour requirement, what can we do as a body to give you the resources you need to make sure that you meet that 72-hour requirement so that children are not staying there beyond that period? Because your facilities, as we saw today, are not designed to be detention facilities. So what can we do immediately and in the long term if this crisis continues?

Mr. OAKS. So on Monday, Secretary Johnson and Secretary Burwell, who is the Secretary of Health and Human Services, I spoke directly to them and said the resources should be directed to Health and Human Services and Office of Refugee Resettlement in order to get them the ability, the funding, because they do a lot of grant funding, to get the bed space, to get the children out of our custody and into the appropriate accommodations as soon as possible so we can meet that 72-hour deadline.

Mr. SWALWELL. Thank you, Mr. Oaks.

Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman MCCAUL. Ms. Granger from Texas.

Ms. GRANGER. While we can't apprehend those, also on another trip to the border earlier in the week I saw from the bus station that they were waiting and they were filling these buses with these children that were coming in, I mean just packing them in, and as the buses were leaving just hour after hour. I have been on the border with night vision glasses to see what we have to do, and the fact that oftentimes you can see people coming across the border but you can't get to them because we don't have an easy way to do that. But a stacked bus full of children or something like this, it seems like that could be stopped.

My question is to the Bishop. My question is: Where is the Church in the countries where these children are leaving because they are afraid they will be forced into gangs or murdered? How active is the Church on trying to fight back on this?

Bishop SEITZ. Well, I think the Church is very active, and we have been working—the Church from those countries is doing the best that it can. It has many good youth programs and tries to support them. They are very active. They are not the kind of church just to stay within the walls of the church. We also have Catholic

Relief Services that have a presence there. The Church on a broader scale, its charitable organization is working.

But this is a big problem. This is a big problem that these nations themselves are finding themselves impotent to respond to. The Church, with her much fewer resources, is limited. As I mentioned last night, if your house is on fire, you can tell the people in the house to stay put as long as you want, but eventually they are going to jump, they are going to leave, and they are going to go wherever they can go.

There is a 412 percent increase of asylum claims in the countries surrounding these three nations, including Nicaragua, which is poorer. So I think that is what we need to look to as the source, and ultimately we need to do something about the violence there. We need to support those countries and assist in those projects however we can.

Ms. GRANGER. Thank you. Yield back.

Chairman MCCAUL. Mr. Olson from Texas.

Mr. OLSON. I thank the Chairman.

I was with the Chairman this morning at the detention service Mr. Oaks had and was there when we saw this grandmother who brought her three grandkids across the border, paid \$7,500, so \$20,000 to get those kids across the border. The boat flipped coming across the river. They nearly died. They were crying, crying, crying because they got here and they didn't know why they almost died and what their future is.

But kind of perversely, in stark contrast, walking through these big detention centers with the teenagers, man, smiling at us, waving, happy, like they are proud, "I came here illegally, I am going to stay here." We are sending some mixed messages across the border.

My first question is for you, Bishop Seitz. You have been to Guatemala and you have been to El Salvador and Honduras. You have seen the violence there, the oppression upon the people there, why they are coming here. As we all know, there are two countries on Mexico's southern border, Guatemala and Belize. Belize doesn't have these problems. Any idea why that is? I mean, I know they have the beaches, but can't Belize be a model?

Bishop SEITZ. Yes. I wonder if Belize couldn't be a model, and Nicaragua also, which as I mentioned is even poorer. So that is what leads me to think that it is the violence in these places that is causing it, and we may be able to see some solutions based upon how these other countries have dealt with their people.

Mr. OLSON. It wasn't crossed over to Belize. They are right there. The cartels have said, no, we will leave Belize alone, we are happy with the countries we have. Why don't they go over there?

Bishop SEITZ. They are going there. That is what I was just saying. There is an increase in asylum claims. By the way, the United Nations did a study talking to 400 of these migrants. They felt that 58 percent had legitimate asylum claims.

So I think, rather than looking at this as an immigration crisis, we should look at it as a regional refugee crisis.

Mr. OLSON. A question for you, Mr. Oaks. I was there again this morning. I was kind of stunned to learn that your hands are tied behind your back by different parts of our Government restricting

your operations. For example, you want to build a road down the river, right down the river, follow the river, because right now all we can patrol is on two major highways. If I get this right, you are not talking about a four-lane freeway made of concrete and asphalt. You are just talking about some little dirt trails for ATVs to drive on so you guys can pursue these people right before they come across the border, because once they get across, they get in that deep brush, you guys either can't get them on the road or you go in that brush and maybe expose yourself to great harm.

So what would you want? What does that road look like?

Mr. OAKS. The protected areas along the Rio Grande River here in Texas and the reserve areas have been problematic in terms of lateral access up and down that area of operation. As a Federal Government, we have to respect the laws of the State of Texas and the environment, and we changed some of our tactics and deployed men and women on bicycles and horseback to leave a limited footprint in terms of the environment.

I know the Secretary does have waiver authority to address those, and we have dealt with some property issues in the past in Texas that have been a little problematic. So I think it takes working with the community and the State of Texas and our environmental folks and us to take a look at what we can really do to have a limited impact on the environment but give access to my agents to those areas so we can better patrol the border.

Mr. OLSON. It is common sense a bike path works, a wide bike path.

I yield back.

Chairman MCCAUL. Mrs. Renee Ellmers.

Mrs. ELLMERS. Thank you, Mr. Chairman.

Thank you, all of you, for being with us today and talking about these very, very difficult issues. For those of you in law enforcement, you are doing a fabulous job. I can't imagine what you see on a daily basis and what you have to deal with, and yet you have to have the clarity of mind to be able to deal with these situations. So, thank you.

Judge Garcia, thank you so much. You have displayed so much to us the need for the reforms that we have got to put in place because we are a Nation of laws and we need to deal with these issues. Yet, the question of the humanity, the human rights, the violations that are being committed, especially when we are talking about these children. I, too, was very moved this morning being at the detention center, especially seeing the age of those babies in their mothers' arms.

As a mother, I think to myself how could I make that choice if I am in one of those countries or a family member that I would put them in that situation where we know that there is going to be violence, we know that there is probably going to be sexual trafficking and human trafficking, to make that "Sophie's Choice," essentially, knowing that you are trying to better your child's life?

The part that I struggle with here is that I have to, as a legislator, as all of my colleagues do, we have to be able to reach out to those countries, and we have to find funding to be able to address these issues.

Bishop Seitz, how can we do this, be efficient about it, address the problem, and help our constituents understand how important this is so that we end this problem?

Bishop SEITZ. Well, it is very challenging, and as many have said, it is a very complex issue. There is not a simple solution or perhaps we would have come up with it already.

But I really think we need to pay more attention to the root causes. We need to deal short-term and make sure that we are caring compassionately for these children. We are held to that standard by our own laws, by international laws, and we are setting an example for the rest of the world one way or the other who have accepted far more refugees with far fewer resources. Consider, for instance, the 1 million refugees—there are really more—in Lebanon from Syria. What are we telling them if we can't deal with this number of children refugees?

I think we really do have to look at—you know, some people said we haven't paid attention to this region of Central America for a long time. Our eyes have been elsewhere. We need to look to it. Again, there are endemic problems. There is corruption. There are economic problems. There are things that, in some ways, we have to ask ourselves, a little examination of conscience, what have we done to contribute to it by purchasing the drugs? What have we done perhaps inadvertently that has affected their economy? Things like that we need to look at.

Mrs. ELLMERS. Thank you, sir.

Thank you.

Chairman MCCAUL. The Chairman recognizes Mr. Farenthold.

Mr. FARENTHOLD. Thank you.

Chief Oaks, I have repeatedly said and firmly believe border security is critical to our National security and even our sovereignty. I have also said I believe we can pass immigration reform in the House once the border is secure.

You are king for a day. Give me in 30 seconds what you would do to fix the problem.

Mr. OAKS. So, any policy, any rule of law, regulation that helps support my people and helps us continue and do a better job of border security I am in favor of. That is what I would do.

Mr. FARENTHOLD. Do you have anything a little more specific than that?

[Laughter.]

Mr. OAKS. No, sir, I don't.

Mr. FARENTHOLD. Thanks.

[Laughter.]

Mr. FARENTHOLD. Since we are in Texas, I do want to hear from our director of DPS. What would you say to parents here in the United States that are thinking about sending for their kids that are in one of these Central American countries, or even the parents or grandparents or whoever is taking care of these children in Honduras, Guatemala, El Salvador? If you did a 30-second PSA, what would you say to them?

Mr. MCCRAW. Don't come. Bottom line. The same thing we tell parents in Texas when their kids are planning on vacationing for spring break. Mexico is not the place to go right now. The bottom line is we are dealing with cartels. The same cartels that are caus-

ing the problems in Mexico are causing the problems in Guatemala. It is the Zetas, okay? Working with MS-13 in El Salvador. That is another transnational gang. So the bottom line is, don't do it.

Mr. FARENTHOLD. I think if a parent in the United States or Texas did this, they should be visited by the Department of Child Protective Services, it is so dangerous.

Mr. Oaks, do you have anything that you would add to that PSA?

Mr. OAKS. If you took a look at the broader picture, Canada, the United States, Mexico, and Central America, working together can solve a lot of these issues as far as I am concerned, in terms of all the things that we have been talking about, politics, policy, all the things, working together to protect the sovereignty of each one of those nations. You are looking at trade and travel, looking at building the economy and furthering educational benefits for all people to bring that level—

Mr. FARENTHOLD. I have one more question, Director McCraw. Are these kids—there are other parts to it. These cartels have got these kids they are bringing in for money. Are they being used as a distraction to flood, say, the Border Patrol and bring in drugs or maybe more high-risk folks?

Mr. MCCRAW. I don't think there is an overarching plan. I think they are exploiting the situation. They are getting the money on one side, the revenue from the smuggling, and also it does tie up Border Patrol resources. So it is kind of a win-win for them and they are just exploiting it. I think that is what we are seeing right now.

Mr. FARENTHOLD. My concern, of course, is that kids are being exploited both by the cartels and, I am afraid, to some degree by the political process in this country. We can certainly do something about one part of that.

Thank you very much. I yield back.

Chairman MCCAUL. I just want to thank the witnesses. It has been a very productive discussion, a productive hearing, very insightful from all of the witnesses.

This will be made a part of the Speaker's Working Group, which will then be forwarded to our House leadership for workable solutions to the crisis that we face here today.

So, with that, thanks for being here.

The Ranking Member has a question.

We have a flight to catch. Make it quick.

Ms. JACKSON LEE. I want to add my appreciation to all the Members who have come to South Texas and all the witnesses, and I want to reemphasize that National security is always a priority for all Members of Congress, but we also have the understanding that we can balance that with the protection of these unaccompanied children, innocent, and we can bring the resources here to bring about solutions that you have asked us for.

Thank you very much, and I yield back.

Chairman MCCAUL. The committee stands adjourned.

[Applause.]

[Whereupon, at 3:08 p.m., the committee was adjourned.]

APPENDIX

STATEMENT OF THE NATIONAL IMMIGRANT JUSTICE CENTER

JULY 3, 2014

Chairman McCaul, Ranking Member Thompson, and Members of the Homeland Security Committee: During the past few years, the United States has experienced a steady increase in arrivals of unaccompanied immigrant children at the Southern Border, primarily from El Salvador, Guatemala, and Honduras. The U.S. Government, other governments in the region, non-governmental organizations (NGOs), and inter-governmental organizations are trying to understand why these children are coming and how to respond, process, and care for them upon arrival in the United States. As a National leader in immigration law and policy, Heartland Alliance's National Immigrant Justice Center (NIJC) appreciates the opportunity to submit testimony for today's hearing on these complex issues. We offer this statement to articulate the urgent need to treat unaccompanied immigrant children as children first and foremost, and to ensure that they receive due process to address protection concerns.

NIJC is an NGO dedicated to safeguarding the rights of noncitizens. With offices in Chicago, Indiana, and Washington, DC, NIJC advocates for immigrants, refugees, asylum seekers, and survivors of human trafficking through direct legal representation, policy reform, impact litigation, and public education. NIJC and its network of 1,500 pro bono attorneys provide legal representation to approximately 10,000 noncitizens annually, including thousands of unaccompanied children. NIJC is the largest legal service provider for unaccompanied children detained in Illinois, conducting weekly legal screenings and legal rights presentations, which provide an overview of the child's legal rights and responsibilities in the immigration system, at nine Chicago-area shelters.

NIJC has played a major role in advocating for reform of the immigration system, especially related to unaccompanied children and asylum seekers. NIJC co-convenes the Migrant Children's Defense Collaborative for legal service providers; actively participates in the Interagency Working Group on Unaccompanied Children, a periodic meeting of Government agencies and NGOs; and, as part of Heartland Alliance, serves as the NGO co-chair of the U.S.-Mexico-Central America Working Committee on Unaccompanied Children, a gathering of legislators, policy makers, and advocates from the United States, Mexico, and Central America. In addition to its expertise regarding unaccompanied children, NIJC was a founding member of the "Asylum Litigation Working Group" and regularly participates in separate discussions of the "Asylum Working Group;" together, the groups focus on monitoring developments in and implementation of laws and policies that impact asylum seekers. NIJC's years of experience advocating on behalf of children and asylum seekers, from both policy and direct services perspectives, and collaborating with colleagues domestically and internationally, gives it a unique perspective on the immigration system and its relationship to U.S. obligations under domestic and international laws.

The United States has a proud legacy of protecting people who have been persecuted. This country is a beacon of hope for people fleeing oppression and is a leading defender of human rights. The primary vehicles through which nation-states assumed legal duties towards refugees are the 1951 Convention Relating to the Status of Refugees (Refugee Convention)¹ and the 1967 Protocol Relating to the Status of

¹ U.N. General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, UNTS vol. 189, p. 137 [hereinafter "Refugee Convention"].

Refugees (Refugee Protocol).² These documents require nation-states to recognize as refugees anyone with a “well-founded fear” of persecution in their home countries, to accord refugees certain legal rights, and to refrain from returning them to countries where their safety would be threatened.³ The United States ratified the Refugee Protocol⁴ and in 1980, the United States enacted the Refugee Act to ensure compliance.⁵ Since the Refugee Act was passed, legal protections for refugees in the United States have been significantly weakened. Today, NIJC is extremely concerned that the protection needs of immigrant children, families, and others seeking asylum from Central America, as well as the push factors driving their flight, are being overlooked. In a misguided effort to attribute increased migration from Central America to a shift in U.S. immigration enforcement policies, the genuine violence and persecution from which these individuals flee has been ignored.

This testimony provides a brief assessment of the current influx of unaccompanied immigrant children from Central America and provides recommendations to ensure that children are provided due process protections that address their best interests and ensure they are not returned to face persecution, violence, or other forms of serious harm.

I. FORCED MIGRATION: UNACCOMPANIED CHILDREN FLEE INCREASING VIOLENCE AND DANGER IN CENTRAL AMERICA

While various individual factors are causing children to undertake a treacherous journey to the United States, growing violence and danger in their home countries is the primary reason the majority of the children are fleeing to the United States today. Most unaccompanied children apprehended at the border are from El Salvador, Guatemala, and Honduras (See Fig. 1), and several reports,⁶ including NIJC’s January 2014 policy brief,⁷ have established that the majority of unaccompanied children flee these three countries due to pervasive violence, persecution, and abuse. Family reunification may play a role in the timing of a child’s decision to migrate to the United States and to flee to the United States rather than another country; however, it is rarely the sole reason for a child’s flight.

² U.N. General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, UNTS vol. 606, p. 267 [hereinafter “Refugee Protocol”].

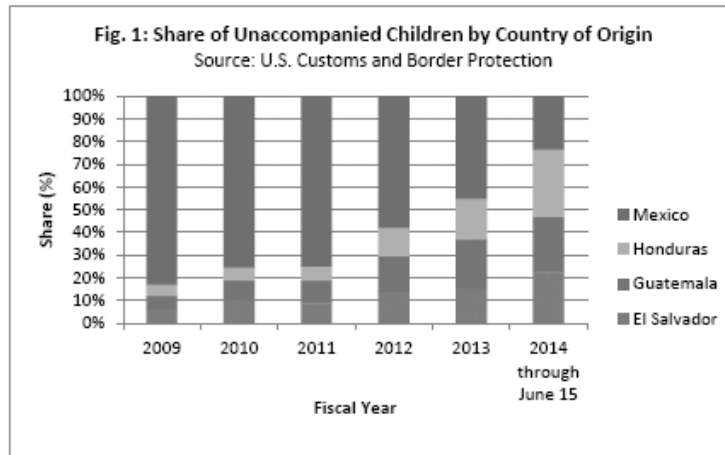
³ “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Refugee Convention, art. 33–1, 189 UNTS 150.

⁴ Although the United States did not sign the Refugee Convention, the Refugee Protocol includes by reference the rights and duties set forth in the Convention. Refugee Protocol, art. 2 (“The States Parties to the present Protocol undertake to apply Articles 2 to 34 inclusive of the Convention to Refugees as hereinafter defined.”) The Refugee Protocol expanded these rights and duties to all refugees, whereas the Refugee Convention only applied to those displaced by the Second World War and its aftermath.

⁵ *INS v. Cardoza-Fonseca*, 480 U.S. 421, 433 (1987) (citing “the abundant evidence of an intent to conform the definition of ‘refugee’ and our asylum law to the United Nation’s Protocol to which the United States has been bound since 1968”).

⁶ See e.g., Kids in Need of Defense (KIND)/Center for Gender and Refugee Studies (CGRS), *A Treacherous Journey: Child Migrants Navigating the U.S. Immigration System*, available at: <http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf>; U.S. Conference of Catholic Bishops (USCCB), *Mission to Central America: The Flight of Unaccompanied Children to the United States*, 2014, available at: <http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf>; Women’s Refugee Commission, *Forced from Home: The Lost Boys and Girls of Central America*, 2012, available at: <http://womenrefugeecommission.org/forced-from-home-press-kit>.

⁷ Available at: <https://immigrantjustice.org/publications/policy-brief-unaccompanied-immigrant-children-vulnerable-children-face-insurmountable-o#Uvqm723ehmc>.



The United States is not the only country experiencing a dramatic increase in asylum seekers from Central America due to this violence. Together, Mexico, Panama, Nicaragua, Costa Rica, and Belize reported a 432 percent increase in the number of asylum applications filed by individuals from El Salvador, Guatemala, and Honduras in 2012.⁸ These numbers demonstrate that the current crisis is a regional problem caused by country conditions in the sending countries, rather than a perceived change in immigration policies in the United States.

Finally, rumors of broken borders or lax U.S. immigration policy are not the primary cause for the current influx. Since 2008, U.S. law has required that unaccompanied immigrant children be placed in the least restrictive setting that is in their best interest.⁹ Moreover, the increase in the migration of unaccompanied immigrant children to the United States began in October 2011, more than 6 months prior to the announcement of President Obama's Deferred Action for Childhood Arrivals (DACA) program.¹⁰ If a perceived change in immigration policy was fueling the current migration, there would be comparable numbers of immigrant children from other regional countries besides El Salvador, Guatemala, and Honduras, but this has not been the case.¹¹

Violence in the home countries and the failure of U.S. immigration policy to provide any other option for immigrant families in the United States to provide safety for their children is forcing children and their families to make the dangerous journey to the United States. The story of Jessica and Daniel (pseudonyms), NIJC's clients, illustrates the danger facing these children:

"In 2013, Jessica, a young woman from Honduras, fled to the United States when she was 17 to seek protection. Throughout her childhood, her father regularly molested and raped her, and abused her mother. When Jessica was 10 years old, her mother went to the United States with her father to try to provide a better life for Jessica and her brother, but her parents separated when her father continued to abuse her mother. In 2012, a gang kidnapped Jessica and attempted to traffic her into prostitution. Jessica escaped but after she reported the gang to the police, the gang began targeting her. In early 2013, the gang grabbed her while she was walking to her home, burnt her with cigarettes and raped her. As a result of the rapes and abuse, Jessica began to cut herself and became suicidal. She fled to the United States to find safety and reunite with her mother. She now sees a therapist and is seeking asylum.

⁸United Nations High Commissioner for Refugees (UNHCR), *Children on the Run*, 2014, available at: http://www.unhcrwashington.org/sites/default/files/UAC_UNHCR_Children%20on%20the%20Run_Full%20Report.pdf, p. 4.

⁹William Wilberforce Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2008, (Pub. L. 110-457), § 235(c)(2).

¹⁰United Nations High Commissioner for Refugees (UNHCR), *Children on the Run*, 2014, available at: <http://www.unhcrwashington.org/children/reports>, p. 4.

¹¹UNHCR, 2014.

“Sixteen-year-old Daniel lived with his mother in El Salvador in an area controlled by the MS-13 gang. In order to get to school, Daniel had to cross into a rival gang’s territory, causing each gang to believe he was a member of the other gang. Gang members repeatedly threatened him with a gun and machetes for being in their territory. After they threatened him for the third time, Daniel stopped going to school out of fear for his life. When his mother learned of the threats, she told his father, who lived in Texas. They made the difficult decision that Daniel needed to go to the United States for his safety. NIJC interviewed Daniel at a Chicago-area children’s shelter before he was reunited with his father in Texas and determined he was eligible to apply for asylum. Daniel hopes to continue his studies without the threat of gang retaliation.”

Daniel and Jessica are two of many children who may be eligible for legal protections in the United States. The Vera Institute and the U.N. High Commissioner for Refugees (UNHCR) have determined that between 40 percent and 58 percent of the unaccompanied children currently fleeing to the United States from Central America and Mexico may be eligible for some form of protection.¹²

Unaccompanied children face insurmountable challenges in pursuing legal protections in the United States. Like all immigrants, children in the immigration system do not receive Government-appointed counsel. Without an attorney, unaccompanied children struggle to navigate the complicated U.S. immigration system alone and experience a denial of due process.

The U.S. asylum system is complex and a successful asylum application requires considerable resources. An asylum seeker must gather country condition reports, primary documentary evidence, affidavits from witnesses in their home country, and medical and psychological evaluations. The same holds true for those compiling documentation to support applications for U visas for survivors of crime, T visas for survivors of trafficking, and petitions for Special Immigrant Juvenile Status (SIJS) for certain children who have been abused, abandoned, or neglected. Government data and leading academic studies consistently show that detention and legal representation are significant factors in determining if a noncitizen is granted asylum or another form of relief. One landmark academic study showed that legal representation in immigration court is the most important factor affecting the outcome of an asylum application, with asylum grant rates nearly three times higher for those who have an attorney.¹³ Without legal counsel, it is virtually impossible for a child to effectively understand and navigate these complex processes in the face of the threat of deportation. NIJC’s clients, Jessica and Roxana (pseudonyms), were able to obtain relief in the United States with assistance from NIJC’s pro bono attorneys:

“Jessica and Roxana are 11- and 14-year old sisters from El Salvador. When they were very small, their parents came to the United States hoping to provide a better life for them and left them in the care of their grandfather. Unbeknownst to the parents, the grandfather neglected and abused the girls until they eventually ran away to live on the streets. With the help of another family member, Jessica and Roxana fled to the United States. DHS apprehended them at the border, placed them in removal proceedings, and then transferred them into the custody of the Office of Refugee Resettlement (ORR) until they could be released to their parents in Indiana. Through NIJC, Jessica and Roxana were able to obtain pro bono attorneys to help them understand the immigration process and to identify any potential relief. At their hearing in the Chicago Immigration Court, the immigration judge decided to administratively close Jessica and Roxana’s cases, so they can remain with their parents and begin to heal from the abuse they have suffered.”

Without representation, these young girls would have been unable to navigate the immigration court system at the risk of deportation to a country where they faced abuse and neglect.

II. RESPONSE TO THIS MIGRATION CRISIS: DUE PROCESS PROTECTIONS FOR IMMIGRANT CHILDREN IN THE UNITED STATES

Although the influx of unaccompanied children presents a myriad of challenges, NIJC draws upon its depth of experience representing immigrants for more than 30

¹² UNHCR 2014 and Byrne, O. & E. Miller, *The Flow of Unaccompanied Children Through the Immigration System: A Resource for Practitioners, Policy Makers, and Researchers*, Vera Institute of Justice, Mar. 2012, available at: <http://www.vera.org/sites/default/files/resources/downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf>.

¹³ Ramji-Nogales, Jaya, et. al., “Refugee Roulette: Disparities in Asylum Adjudication,” *Stanford Law Review*, Vol. 60, Issue 2, p. 340, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=983946.

years to make the following four priority recommendations to improve the due process protections these children desperately need.

1. Provide appointed counsel for unaccompanied immigrant children

Providing legal counsel to unaccompanied children would not only ensure their due process protections, but would also help make immigration court proceedings more efficient and cost-effective. Studies demonstrate that when people in immigration court know their rights and understand the process, they seek fewer continuances while they try and identify counsel and judges spend significantly less time explaining complex immigration laws and procedures.¹⁴ At a time when the immigration court system is under-resourced and significantly backlogged, ensuring immigrant children have access to representation will help prevent the court system from becoming even more overwhelmed.

NIJC welcomes the recent creation of “justice AmeriCorps,” a pilot program to provide 100 attorneys and paralegals to unaccompanied children. The program is a partnership between the Corporation for National and Community Service (CNCS), which operates the AmeriCorps National service program, and the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR).¹⁵ This initiative is a step in the right direction, but given its modest size, geographic application to only 29 cities, limitation to children under the age of 16, and the time it will take to get the program operational, the overwhelming need for legal services for unaccompanied immigrant children remains. A clear mandate from Congress and additional appropriations are needed to fund universal appointment of counsel for all unaccompanied children in immigration proceedings. This week, Representatives Hakeem Jeffries (D-NY), Karen Bass (D-CA), Lucille Roybal-Allard (D-CA), and Judy Chu (D-CA) announced the introduction of the Vulnerable Immigrant Voice Act of 2014 (VIVA), which provides appointed counsel for all unaccompanied immigrant children and individuals with a serious mental illness.¹⁶ Likewise, the Senate’s immigration bill, S. 744,¹⁷ and its House counterpart, H.R. 15,¹⁸ both included provisions of counsel for unaccompanied children and other vulnerable immigrant populations in immigration proceedings. NIJC urges immediate consideration of these bills by the U.S. House of Representatives, which is long overdue.

2. Unaccompanied children must remain exempt from the expedited removal process

Unaccompanied immigrant children are not currently subject to expedited removal, the process by which adult asylum seekers are screened at the border for protection concerns prior to a rapid return to the country of origin.¹⁹ However, a recent White House “fact sheet” regarding unaccompanied children from Central America²⁰ announced the “surging of government enforcement resources to increase our capacity to detain individuals and adults who bring their children with them and to handle immigration court hearings—in cases where hearings are necessary—as quickly and efficiently as possible.” This language is extremely alarming and any suggestion that unaccompanied children could be subject to expedited removal procedures must be immediately clarified. Without robust safeguards in place, the

¹⁴ Semple, K. “Public Defender System for Immigrants Facing Deportation Would Pay for Itself, Study Says.” *New York Times*, May 29, 2014, http://www.nytimes.com/2014/05/30/nyregion/study-favors-free-counsel-to-navigate-deportation.html?_r=1.

¹⁵ Corporation for National & Community Service, “justice AmeriCorps Legal Services for Unaccompanied Children,” <http://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2014/justice-ameri-corps-legal-services>.

¹⁶ Office of Congressman Hakeem Jeffries, “Rep. Hakeem Jeffries and House Members Introduce Legislation to Provide Legal Representation of Unaccompanied Minors,” Jun. 23, 2014, <http://jeffries.house.gov/news%20alert>.

¹⁷ See section 3502, available at: <https://beta.congress.gov/bill/113th-congress/senate-bill/744>.

¹⁸ See section 3502, available at: <http://thomas.loc.gov/cgi-bin/query/F?c113:1:/temp/c1135n1Cgi:e812160>.

¹⁹ Section 235 of the TVPRA made procedural and substantive changes to immigration legal relief for unaccompanied immigrant children seeking relief from removal; however, section 235(b)(2) of the TVPRA limits the rights of unaccompanied immigrant children from contiguous countries (i.e., Mexico and Canada). While unaccompanied immigrant children from non-contiguous countries are immediately transferred to the custody of Health and Human Services (HHS) and placed in formal removal proceedings, unaccompanied immigrant children from contiguous countries are screened by Customs and Border Protection (CBP) for trafficking concerns or intentions to seek asylum and otherwise expeditiously returned to their country of origin.

²⁰ White House, “Fact Sheet: Unaccompanied Children from Central America,” Jun. 20, 2014, <http://www.whitehouse.gov/the-press-office/2014/06/20/fact-sheet-unaccompanied-children-central-america>.

United States risks violating international and domestic law by returning children with bona fide asylum claims to life-threatening situations.

Expedited processing makes it extremely difficult for child victims of violence and trauma, and their family members, to effectively make a claim for asylum or other protections under U.S. law. Like all asylum seekers, it is difficult for immigrant children who have suffered abuse in their home countries and during their journey to the United States to overcome the mental and emotional impact of that harm and discuss their fears with a stranger. It is also extremely difficult for all asylum seekers, but particularly child asylum seekers, to understand how to request asylum at the border and articulate and support a claim for protection. Moreover, the accelerated nature of expedited processing in remote locations along the border makes it impossible for a child to obtain legal counsel during this process.

Children who have suffered and fear persecution in their home countries are particularly vulnerable after their apprehension at the border. Many have been trafficked, exploited, and coerced in their home country and on their journey to the United States. The expedited removal process raises due process concerns for all asylum seekers, but as recognized by our law, it is particularly inappropriate for unaccompanied immigrant children. NIJC urges that our law protect all unaccompanied children apprehended at the border by exempting them from the expedited removal process.

3. Provide sufficient resources for immigration courts and specialized training for immigration judges working with children

Because immigration court funding has not kept pace with enforcement funding, the immigration court system operates with extensive delays and a backlog of over 366,000 pending cases Nation-wide.²¹ For example, the Chicago Immigration Court, the fourth most backlogged immigration court in the United States, regularly schedules hearings for 2016 and beyond. The administration's current plan to address the influx of unaccompanied immigrant children does nothing to help the courts keep up with their growing caseload. Additional funding is needed to hire additional immigration judges, language specialists, legal technicians, clerks, and legal staff who work on cases appealed to the EOIR Board of Immigration Appeals. Providing appropriate staffing will help ensure that children move efficiently through the system. Although the House of Representatives voted to increase EOIR funding for fiscal year 2015,²² it falls short of the White House budget request for fiscal year 2015²³ and the amount needed to meaningfully address court delays.

In addition, EOIR should provide immigration judges with specialized, on-going training on child development, childhood trauma and its effects, forms of relief available to children, and best practices to communicate with children. While some immigration judges make accommodations to reassure children in court, such as wearing normal attire rather than judicial robes, other immigration judges take no such steps. Current internal guidance also does not require that immigration judges explain possible relief to pro se unaccompanied children or ask them questions to determine relief eligibility. As a result, pro se unaccompanied immigrant children may have no opportunity to assert their eligibility for immigration relief during immigration proceedings and may be so frightened that they are unable to express the reasons they fear returning to their home country or articulate the trauma experienced in transit. Without appointed counsel, it becomes particularly important for immigration judges and courts to take into consideration the unique needs and vulnerabilities of children.

4. The best interests of the child must be protected

The best interests of the child should be a central component of all U.S. policies addressing unaccompanied immigrant children, including assessment of a claim for refugee status, asylum, or any other form of protection. Under current law, DHS has authority to exercise prosecutorial discretion to consider the best interests of the child when making enforcement-related decisions pertaining to unaccompanied immigrant children, including issuance of a charging document to commence immigration proceedings, administrative closure or termination of a removal case, or conceding a non-citizen's eligibility for immigration relief. Congress should provide explicit legislative authority to protect the best interests of the child in immigration

²¹ TRAC Immigration, Immigration Court Backlog Tool, Syracuse University, available at: http://trac.syr.edu/phptools/immigration/court_backlog/.

²² H.R. 4660, "The FY 2015 Commerce, Justice, Science Appropriations Act" available at: <https://beta.congress.gov/bill/113th-congress/house-bill/4660?q=%7B%22search%22%3A%5B%22hr4660%22%5D%7D>.

²³ Fiscal Year 2015 Congressional Budget Submission, p. 22, available at: <http://www.justice.gov/jmd/2015justification/pdf/ara-justification.pdf>.

enforcement and benefit decision-making, such as the amendment (“Landrieu 1340”) to S. 744 offered by Senators Mary Landrieu (D-LA), Al Franken (D-MN), and Mazie Hirono (D-HI), which requires all Federal agencies and Federal courts to consider the best interests of the child in all decisions involving unaccompanied immigrant children.²⁴

III. CONCLUSION

The 1980 Refugee Act provides critical due process protections for individuals fleeing persecution and children are no exception to these protections. As a Nation committed to human rights, the United States must uphold its commitment to protecting the persecuted, including the youngest and most vulnerable. Any solution to this humanitarian crisis must be comprehensive and address the root causes of migration in Central America, the natural desire for family members to reunite, and our obligations to protect those fleeing persecution. Unaccompanied immigrant children have escaped life-threatening violence. We must ensure that our laws treat children like children and do not send them back into harm’s way.



²⁴First Focus, “Senate Immigration Floor Amendments At-a-Glance,” <http://www.fccampaignforchildren.org/resources/documents-and-publications/fact-sheets/senate-immigration-floor-amendments-at-a-glance>.